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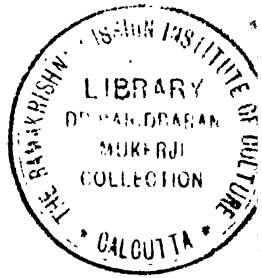
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THE CAWNPORE MOSQUE

THE CAWNPORE MOSQUE.

B. K. DAS-GUPTA,

SUB-EDITOR, THE *Bengalee*

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To
**The Memory of My Mussalman Country-
men who lost their lives in the Riot
at Cawnpore, on the 3rd day of
August, 1913,**

This Book is Humbly Dedicated.

AUTHOR

PREFACE

In presenting the following pages before the public, I have no pretention to offer the readers a work of any literary value. My sole object in publishing this book has been to embody in it a faithful account of all incidents connected with the now famous Machhli Bazar Mosque at Cawnpore, from the demolition up to the restoration of its *dalan*. The accounts given in the book are based on my personal knowledge and information gathered on the spot. In this connection, I am thankful to Moulvi Syed Fazlar Rahman, Vakil of Cawnpore, and Mr. Biswanath Thulol, Editor of the *Cawnpore Journal*, for their valuable assistance. I have, besides, gathered some facts from the *Comrade* of Delhi and personally from its editor Mr. Mohamed Ali and his brother Mr. Shoukat Ali and I can not too highly thank them for their ungrudging help and encouragement. To curtail the size of the book, I had to leave out some matters which to my mind appeared to be of minor importance. I have also in some cases avoided repetitions, as for instance, Sir James Meston's speech at Agra has not been published separately, as that portion of this Honour's speech which related to the Cawnpore incidents would be found in the proceedings before the Court.

In inserting some of the press comments, I have not given any prominence to the Mahomedan Press for all the Mahomedan papers in the country naturally wrote in the strongest possible language about the Cawnpore affairs.

In preparing the manuscript for the press, I did not seek the assistance of any one as I was afraid that any suggested improvements might exaggerate or distort facts. I decided upon publishing this book some time after His Excellency Lord Hardinge had ordered the restoration of the demolished portion of the Machhli Bazar Mosque when it occurred to me that a publication of this kind, while preserving a record of the events which led to Mahomedan unrest of the gravest magnitude, demonstrated the triumph of popular agitation based on a righteous cause and that there was no cause of despair to get redress of a just grievance at the hands of a sympathetic ruler. The whole thing had, therefore, to be done in an incredibly short time and that during the recess of my daily work which is by no means light. The book, in consequence, will be found to contain some ugly mistakes for which I crave the indulgence of the readers. If my generous readers will only think that the book contains a fairly exhaustive account of the recent incidents at Cawnpore I shall consider my efforts succesful.

CALCUTTA.

November 7, 1913.

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AUTHOR



H. E. Lord Hardinge
"I am your Father. you are my Children."

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MACHHLI BAZAR MOSQUE

In a dingy quarter in the heart of the historic city of Cawnpore, not far from the dins and bustles of her busy chowk, stands almost beyond the gaze of pedestrians a white building. It bears the unmistakable signs of the decaying influence of Time ; the white walls of the structure present bold relief of mossy growths inspite of recent white-washing, indicating that it has stood there for no inconsiderable number of years. But it tells a tell-tale story by its superb neatness and tidiness. This is a sacred house of God which has taken its name from the place of its location. The Machhli Bazar Mosque, when consecrated about 40 years ago, was never credited with any attractive view. It was one of the many such houses where the followers of the Prophet congregated to say their daily prayers to the Maker of their being. No special interest attached to it to single it out from among the rest. Little was thought of at the time that the mosque would ever come into prominence, not before the eyes of the people of Cawnpore alone, but before the people of the whole of the Indian Continent, and in the course of time, as subsequent events developed, before the humanity that claimed civilisation. As years rolled on, the only thing of any import that became a cause of concern to the people who were entrusted with the management of this trust was the

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ever increasing influx of devoted Moslems who made their way to that sacred place in hours of daily prayer. An increase in the Mahomedan population in the neighbourhood of the mosque, led to a corresponding increase in the number of worshippers and in consequence the building was extended about 20 years ago. The new projection to the east formed part of the courtyard of the mosque and was used mainly as the *Vazookhana*, or the place for ablution. But on occasions of overflow congregations, and such occasions were not rare, the worshippers, standing in rows, occupied sometimes a portion and sometimes almost the whole of the extended *dalan*. At one end of the *dalan* ran the *Nali* near which people sat to make their *Vazoo*. Beyond the *Nali* was the *Gochalkhana* and the *Istinjakhana*. Taken all these together, it was, however, a small mosque, surrounded by the small shops of Besati Bazar. But big or small, here it was that hundreds of devoted Mahomedans found peace in holding themselves in communion with God ; here it was that one could see *fakirs* gliding the holy beads in the name of the Most High ; here it was that on ceremonial occasions the four walls of the mosque sounded and resounded with punctuated recitals of the texts from the holy Koran ; here again, people of the locality received, when they wanted them, the *fatwas* from the learned Ulama ; and in time of their grief or sorrow, from which no mortal is immune, here they retired to repose themselves in One from Whom come sorrow and happiness alike. Unlike, therefore, some old and about-to-be-forgotten

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mosques, the land and building at Machhli Bazar dedicated to God were in daily use for purposes only sacred and divine. Speaking of recent times, Moulvi Kareem Ahmed and Moulvi Abdul Quadir, two trusted leaders of the local Mussalmans, were the Trustees of this sacred trust.

CAWNPORE IMPROVEMENT SCHEME

Cawnpore is one of the biggest and busiest cities in India. With a population of about 200,000, it has of late years made remarkable progress in commerce and industry. The mills with their chimneys towering in the sky and the harness and leather factories, among many other things, bear testimony to its commercial wealth. Like all other pretentious cities in India, Cawnpore was also dallying with Improvement Schemes for some years past. In December 1908, the Government of Sir John Hewett had allotted 2½ lakhs to the Cawnpore Municipality for the purpose of constructing "broad thoroughfares and other works for the relief of congested areas in the city of Cawnpore in accordance with any scheme already sanctioned or that may hereafter be sanctioned by the Government." The Government had also sent a draft scheme for the approval of the Municipal Board. The proposed Improvement Scheme included the construction of a road known as the A. B. Road, of which more later on. In pursuance of this Scheme, the Government of the United Provinces issued the following notification in January, 1909 :—

NOTIFICATIONS OF THE APPROPRIATION OF LAND FOR PUBLIC PURPOSES.

MUNICIPAL DEPARTMENT.

The 29th December, 1908.

No. 4519—Xl/711 D.—The land designated below being required for a public purpose, declaration is made accordingly :—

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District.	Pargana.	Mauza.	Approximate area.	For what purpose required.	REMARKS.
Cawnpore.	Cawnpore Municipality	CAWNPORE CITY. <i>Mahallas</i> —Butcherkhana Khurri, Mirri Bazar, Topkhana, Maida Bazar.	25,901 square yards.	For the improvement of the sanitary condition of the city by opening out congested areas and making a new road.	The plan may be inspected at the Collector's office.

2. This declaration is made under Section 6, Act I of 1894 (The Land Acquisition Act), and under Section 7 of that Act, the Collector of Cawnpore is hereby declared to take order for the acquisition of the land specified above.

By order of the Hon'ble The Lieut. Govr., United Provinces,
R. W. GILLAN,

Secretary to Government, United Provinces.

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The approval of the Government for the construction of the A. B. Road was obtained on the 7th April, 1909. At this stage it was not known to the Mussalmans, or for the matter of that to the people of Cawnpore, what would be the exact alignment of the A. B. Road. But on receipt of the Government approval, the Board at a meeting held on the 20th April, 1909, passed a resolution accepting the proposed construction of the A. B. Road. The members of the Board did not know exactly what particular buildings were proposed to be demolished by the construction of the new road. To make confusion worse confounded the Local Government issued a notification in November, 1909, in modification of the one issued in January, 1909. Furthermore, the map that was prepared of the site to be acquired for the purpose of the A. B. Road did not indicate the building of the mosque. The mosque is house No. 90 and the house immediately to the east of it No. 89. On the map a red line was drawn on premises No. 89 with a note that only a portion of it would be acquired. There was nothing in the map to show clearly that the red mark indicated not a portion of premises No. 89 but the eastern portion of the mosque. In any case, there was a grave misunderstanding in the minds of those who inspected the document. To the general body of Moslems, however, the map was a sealed book. The second notification was as follows :—

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The 11th November, 1909.

No. 3523—XI/711 D.—The land designated below being required for a public purpose, declaration is made accordingly :—

District.	Pargana.	Mauza.	Approximate area.	For what purpose required.	REMARKS.
Cawnpore.	Cawnpore Municipality.	CAWNPORE CITY. <i>Makallas</i> —Butcherkhana, Khurd, Misri Bazar, Topkhana, Maida Bazar, Khas Bazar, Chauk Chakla.	25,901 square yards.	For the improvement of the sanitary condition of the city by opening out congested areas and making a new road.	The plan may be inspected at the Collector's office.

2. This declaration is made under Section 6, of Act I of 1894 (The Land Acquisition Act), and under Section 7 of that Act, the Collector of Cawnpore is directed to take order for the acquisition of the land specified above.

3. This notification is in modification of Notification No. 4519—XI/711 D, dated the 29th December, 1908.

By order of the Lieut. Govr., United Provinces,
W. H. ROSE,

Secretary to Government, United Provinces.

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Now, the question of the demolition of a Hindu temple, commonly known at Cawnpore as the Tili's temple, came to the fore. For, if the proposed A. B. Road was to run its course straight, the temple would fall in the middle of the road. The impending danger to the temple stirred the feelings of the Hindus. Their religious susceptibilities received a rude shock and the proposal created a great indignation among them. The Tili approached several leaders of the Hindu community to represent his grievances to the authorities. A deputation of leading Hindu gentlemen eventually waited upon Mr. H. G. S. Tyler, District Magistrate of Cawnpore. But the deputation failed in its mission. It withdrew with the impression that the demolition of the temple was a settled fact and perhaps no effort on their part could unsettle it. But the Tili was obdurate; he would not budge an inch from the position he had taken up. Various means were resorted to to bring pressure upon the Tili to give up his temple and accept compensation. But the Tili was as firm as the rock in his determination to keep the temple intact. A melancholy interest attaches to a story that is told in this connection. One man who could not resist the temptation of the filthy lucre and allowed his temple to be demolished, lost all his issues and himself died soon after the money had passed into his hands. When the fate of the Tili's temple was trembling in the balance, the Tili lost his son. How much the wrath of the disturbed dieties had anything to do in these tragic coincidences, nobody needs take any trouble to divine. But the fact remains

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that a panic preyed upon the people interested in the temple and temptations and persuasions were unavailing. This state of things continued for some time and in October, 1911, a suggestion was put forward, or at any rate, the Mahomedan member of the Board believed that a suggestion had been made, that the temple might be left untouched where it was, if in the alternative a portion of the mosque could be acquired. It was at this stage, that the Mohomedans of Cawnpore had allowed to grow in their mind a suspicion that in constructing the A. B. Road, the demolishing hands of the Cawnpore Improvement Trust might be laid on their sacred house of God. What, if anything, was done in pursuance of the Scheme during the next twelve months was probably carried under the surface and nothing happened in the meantime to help the suspicion of the Mahomedans to materialise or to remove it altogether.

In November, 1912, His Honour Sir James Meston, Lieutenant Governor of the United Provinces, visited Cawnpore. When the members of the Municipal Board were presented to His Honour, Lala Biswambarnath, on behalf of the Hindus of Cawnpore, made a representation praying that Sir James would be pleased to save the Hindu temple. A Mahomedan member of the Board brought to His Honour's notice the feeling of apprehension that disturbed the minds of his co-religionists lest the effect of leaving the temple intact would be the demolition of the mosque. His Honour in the course of a joint reply, as published in the *Herald of India* of Cawnpore, "assured the members

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that the temple and the mosque will remain untouched by the Improvement Trust." All anxieties of the Mahomedans were set at rest by this declaration of the sympathetic ruler of the Province, and they laid the soothing unction to their soul that the trouble was at an end. But a spake of cloud appeared on the distant horizon. In spite of the kind assurance of the head of the Government, as the Mahomedans understood it, that no portion of the mosque would be touched, the Chairman of the Municipal Board, Mr. Sim, got the Improvement Trust Committee to pass a resolution on the 12th February, 1913, that the eastern portion of the mosque should be acquired and a plot to the north of it given in compensation. The Improvement Trust Committee consists of five members including one Mahomedan who raised his voice though unsuccessfully against the resolution. The proceedings of the Improvement Trust Committee were placed before the Board for confirmation on the 4th March, 1913. The discussion on the subject was adjourned and the Board confirmed the proceedings at a meeting held on the 8th March, 1913. A member of the Board objected to the acquisition of a portion of the mosque at that meeting, but he was ruled out of order by the Chairman. The cloud that was at first no bigger than a man's hand, now assumed threatening proportions and the local Mahomedan leaders realised to their dismay, the danger that was looming ahead. A requisition signed by ten members, including six Hindus, was then sent to the official Chairman to put the following resolution on

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the agenda :—"From the proceedings of the Trust Committee that came before the Board at its meeting held on the 4th March, 1913, and that were confirmed by the Board at the meeting on the 8th March, 1913, to which a protest by a member of the Board was ruled out of order, the Board has come to know that a portion of the building of the mosque in Machhli Bazar is being acquired for the purpose of the A. B. Road. Resolved that the contemplated acquisition being objectionable on religious grounds and being contrary to the spirit of the declaration made by His Honour the Lieutenant Governor on the 13th November, 1912, the Board is of opinion that the said portion of the mosque should not be acquired and that any previous resolution of the Board directly or impliedly approving of such acquisition be cancelled." An amendment was proposed and seconded to the effect that a recommendation may be sent to the Government requesting that no portion of the mosque on the A. B. Road be acquired in deference to the feelings of the Mahomedan community. The Chairman, Mr. Sim, proposed another amendment that no action be taken on the proposed resolution. Mr. Ryan seconded the Chairman's amendment which was supported only by four European members. But the first amendment was supported by as many as thirteen votes and was carried, the original motion having been withdrawn in its favour. But the Chairman refused to recommend the resolution, even in its amended form. In his letter to the District Magistrate the Chairman said that the notice of a member who wished

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to raise the question whether the building of the mosque should be acquired at all could not be entertained as "the member was ruled out of order on the ground that the only question before the Board was the question of land to be given in compensation, the acquisition of the building having been previously decided upon by the Board." Another cogent argument put forward by the Chairman was that to leave the portion of the mosque standing, would "add an impossible disfigurement to the street."

It is interesting to note here that although no resolution was passed by the Improvement Trust Committee with regard to the acquisition of the eastern portion of the mosque until the 12th February, 1913, the Land Acquisition Officer in his note submitted more than a year before that date put down his observation under the heading *Mosque* that "only a portion of it (lately added to it for a bathing place) is to be taken in exchange for a like piece to be given when the houses round it have been demolished." This indicates, if anything, that the official mind was set upon demolishing a portion of the mosque.

Before the amended resolution was adopted, Mr. Tyler, District Magistrate, visited the mosque. He entered the eastern portion of the mosque with his boots on and is said to have expressed the opinion that inasmuch as no Mussalmans objected to his entering that part of the mosque with his boots on it was not an integral part of the sacred building. The Mahomedans of Cawnpore, on the other hand, obtained

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the verdict of five eminent Ulama on the question of the sanctity or otherwise of that portion of the mosque, according to which the eastern portion of the mosque was an integral part of the building. "The Moslem law forbids the selling or giving in exchange of a mosque or any portion thereof." Consequently "the proposed exchange of the eastern *dalan* is contrary to the law of *Shariat*." Armed with this *fatwa* a deputation of the Cawnpore Moslems waited on the District Magistrate. But the Magistrate ignored such arguments.

All hopes of getting any redress of their grievances from the local authorities were now blasted by the attitude of the District Magistrate and the Cawnpore Moslems decided upon approaching the higher authorities. Accordingly, they submitted a memorial to His Honour the Lieutenant Governor through the Hon'ble Mr. Shahid Husain Bar-at-Law, on the 12th April, 1913. In the memorial the Mussalmans set forth the facts of their case. They also stated the attitude of the District Magistrate in the matter. They further pointed out that the intended acquisition was a direct encroachment upon their religious rights and opposed to the accepted policy of the Government. They humbly prayed to stop the said acquisition and save the mosque from being partially demolished. The Under-Secretary to the Government of the United Provinces in reply to the memorial, dated the 6th May, 1913, said :

"The Lieutenant-Governor has carefully considered the representation of the memorialists, and after ascertaining the facts of the case from the local authorities

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" has decided that the proposed alignment of the road —
" which is the same as that originally selected for this
" road—must be maintained. His Honour guaranteed
" that the mosque should not be interfered with, but the
" washing place is not part of the sacred building, and
" when a similar point arose in connection with the
" Lucknow improvements, the Muhammadans assented
" to another washing place being given them in place of
" one which was required for public purposes. The
" present washing place must, therefore, be removed.
" The authorities of the mosque will be asked to choose
" another site on which a washing place will be built for
" them by the Municipal Board."

CORRESPONDENCE WITH LIEUTENANT GOVERNOR

The leaders of the Cawnpore Moslems then made a representation to Mr. Mohamed Ali of the *Comrade* to communicate their grievances to Sir James Meston. Thereupon the following telegraphic and written correspondence took place between Mr. Mohamed Ali and His Honour.

TO HIS HONOUR SIR JAMES MESTON, LIEUTENANT- GOVERNOR, NAINITAL.

Large number Cawnpore Moslem residents ask me support their contention that portion of mosque in Machhli Bazar wanted by Municipal Chairman for extending new A. B. Road be not demolished. Learn that Your Honour memorialized. If reply favourable I need

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not move in matter. Could Your Honour inform me of decision? Great feeling prevails in Cawnpore. Am anxious to allay such excitement specially at present juncture.—MOHAMED ALI, "COMRADE." *Delhi, 15th May, 1913.*

TO MOHAMED ALI, "COMRADE," DELHI.

Your telegram about Cswnpore Mosque. Orders have already issued on Memorial objections. I had given matter my best personal consideration and believe grievance to be largely imaginary. Building to be demolished is bathing enclosure and not part of sacred building is proved by fact that Mahomedans have been seen to enter it wearing their shoes. Every effort will be made to replace this convenience in suitable spot, but alignment of road cannot be diverted and mosque itself will be fully respected.—LIEUTENANT-GOVERNOR. *Nainital, 15th May, 1913.*

TO HIS HONOUR SIR JAMES MESTON, LIEUTENANT-GOVERNOR, NAINITAL.

Grateful for telegram. No part of land endowed for any purpose of mosque may be transferred under Islamic law in any way. Part used for ablutions always considered integral portion of mosque. Cawnpore Moslems contend shoes not worn in part sought to be demolished but prayer offered whenever overflow congregation. Fully appreciate Your Honour's desire to respect mosque and replace part used for ablutions in suitable spot, but

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I fear point at issue somewhat misunderstood. I would never support imaginary grievances for embarrassing Government, much less at such crisis, but submit symmetrical alignment of road not matter over which a grievance seriously entertained by respectable and reasonable men should be allowed to create sense of injustice. Respectfully suggest consultation with Moslem Ulama and lawyers before further action is taken.—MOHAMED ALI, COMRADE." *Delhi, 16th May, 1913.*

MY DEAR MOHAMED ALI,—I kept your last telegram about the Cawnpore business for a few days to think over it. I had already sent out orders to the local authorities ; but was anxious not to overlook your very temperate and appropriate request for reconsideration. To be perfectly frank with you, I do not think that this agitation is based on a genuine religious grievance. If the matter had contained any element of doubt, I should have been most scrupulous to avoid anything which would wound genuine susceptibilities. The evidence which I have however is definite that this outcry about the bathing place is belated, and that the building which is going to be removed is entered by Muhammadans with their shoes on ; on the latter point there seems to be no possibility of doubt. I sincerely hope that the good sense of the community will prevent their carrying this matter further. We shall do all we can to make matters easy for them ; but you will readily realize that public business cannot be held up except for good and sufficient reasons. I quite see your position in the matter, and

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have, as I always do, told you my position in exchange with perfect frankness.

With kind regards,

Yours very truly,

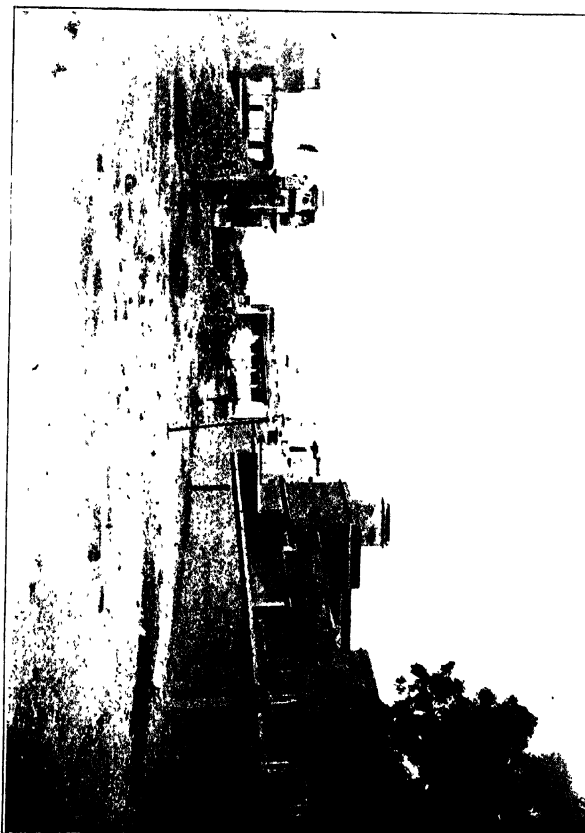
(Sd.) J. S. MESTON.

GOVERNMENT HOUSE :

Nainital, 23rd May, 1913.

MY DEAR SIR JAMES.—I have already written to your Honour at only too great a length on Aligarh affairs and now trouble you once more on the subject of the Cawnpore mosque. The matter has already been noticed by several Urdu papers, and I fear others will take it up immediately. I am somewhat doubtful, as a rule, of the effect of writings in the Vernacular Press on Government officials whose knowledge of the vernaculars is generally poor, and my arrangement is that what is intended for Government should appear in the *Comrade* and what is intended for the people should appear in the *Hamdard*. I, therefore, never contemplated to write in the *Hamdard* on the subject, as such writings have a tendency to excite a certain class of people without any compensating effect on Government, but in your Honour's case it is different, for you are well able to read Urdu papers for yourself.

But to turn to the Cawnpore question. I would certainly have written in the *Comrade* on the subject had it not been that I hoped and still hope, to obtain the same result, and a satisfactory result, without raising a controversy in the Press. So far I have been somewhat



Machhli Bazar Mosque
Showing the relative position of the mosque and the Tili's Temple with the new A. B. Road on either side.

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disappointed because, inspite of the fact that your Honour considers my request for reconsideration very temperate and appropriate, it has hitherto proved sterile of results. But I have not yet lost hope, and once more appeal to your Honour to accept my suggestion and consult some Moslem Ulama and lawyers.

It appears to me that more attention has been paid to the question whether the part which the Chairman of the Municipality wishes to demolish is or is not a place used for prayers. What should have been considered first, however, is whether any land or building dedicated to God could be sold or transferred in any other way. I am no theologian, nor much of a lawyer, but I believe it is a well known fact that such property cannot be devoted to any other purpose. If it is so, the demolition of any part of the building is bound to hurt the feelings of us all, and it is for your Honour to judge whether the alignment of a road is worth the price demanded from us. We could have understood the position of the authorities if some important public business was held up on account of the Moslem prejudices. But frankly, I cannot conceive how Moslem feelings can be ignored merely because the Chairman of the Municipality desires to have an alignment of the road geometrically perfect, when he could as well give a curve to the road and save the building altogether. As a matter of fact, it is my information that if the alignment had been kept straight the mosque would have been left untouched, but that in order to protect a temple a bend of about eight feet was made from a distance of about 150 feet from the mosque. I

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questioned the Mussalmans of Cawnpore who came to see me very searchingly to detect if there was any trace of ill-feeling towards the Hindus on that account, but I am convinced that they bear no grudge to the Hindus on account of the decision of your Honour to save the temple which is right in the middle of the road. As a matter of fact, they have been throughout most anxious to secure the support of the Hindu members of the Cawnpore Municipal Board, and I rejoice to see that while the Hindus supported the Mussalmans in this matter, the Mussalmans also accepted the amendment of a Hindu gentleman making the resolution less emphatic than it originally stood on the agenda of the Municipal Board. Even the voting on the question on the 20th ultimo showed that there were more Hindus for staying the proceedings to enable the Muhammadan members to make further representation to the Government than against. It seems to me that all the driving power in this matter is coming from the Chairman whose casting vote decided the matter even on the last occasion against the Mussalmans.

The statement of the Cawnpore gentlemen, if correct, throws curious light on the way in which the Collector of the District is procuring proof of the fact that the portion which the Chairman of the Municipality desires to demolish is not part of the mosque. They state that Mr. Tyler without asking anyone went into this portion of the mosque with shoes on, and on his return said that had this been a part of the mosque they would have stopped him from doing so. If this is true, it serves

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the Mussalmans of Cawnpore right, for it seems to me that nowhere in the civilized world would a Magistrate select such a distressing method of obtaining evidence and none but the Mussalmans, who are accused by our friend the *Times* of all sorts of things, would quietly tolerate such conduct. I do not know what information your Honour has on the subject, but if Mr. Tyler has offered such evidence I hope your Honour has also offered him some advice which, if these are the true facts, he evidently needs. Now, as a matter of fact, a Mussalman can say his prayers with his boots on if only they are clean, according to the *Shari'at*, but Indian roads, as a rule, are not so clean that the floor of a mosque would remain fit for prayers if the congregation had its boots on. This thought dictated by common sense has now assumed the form of the convention in India that nobody should enter the mosque with boots on, and for a long time this offered no inconvenience to people, because they generally wore Indian shoes which are really slippers. But in certain mosques Europeans go with their boots on, causing great offence to the Mussalmans, and I am given to understand that this practice would be put down by example, if not precept, by no less a person than His Excellency the Viceroy himself, after which let us hope not only the Jam'i Masjid at Delhi but also some sacred places at Agra, where the sight-seers go and where they are permitted by Mr. Mardon to go with their boots on if they are non-Moslem, will be spared what has come to be regarded as a sacrilege. But the Mussalmans of Cawnpore

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emphatically declare that they are prepared to prove it up to the hilt that shoes are never taken into the mosque beyond the steps and that as a matter of fact prayer is offered on the portion sought to be demolished when there is an exceptionally large congregation. At any rate, what I have stated before in one of my telegrams the place used for ablutions is an integral part of the mosque everywhere, and whatever sacredness attaches to the other portions of the mosque attaches to this also.

I understand from information supplied to me that at first the idea was that the temple, which comes right in the middle of the road, should be demolished, but that on the representation of the Hindus the Government rightly spared the temple. It was then considered whether as an alternative scheme a portion of the mosque should be demolished. When your Honour visited Cawnpore in November last the Muhammadan members of the Municipal Board are alleged to have requested your Honour to assure them that this part of the mosque would not be demolished, and I learn from the *Herald of India* that your Honour "assured the members that the temple and the mosque will remain untouched by the Improvement Trust." It is alleged that in spite of this assurance the Improvement Trust passed a resolution favouring the acquisition of this part of the mosque in exchange for some land to the north, but that when this resolution came for confirmation before the Board it was postponed on the opposition of the Moslem members. Subsequently Mr.

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Tyler went to see the mosque and entered this part of it with boots on. Thereafter in a meeting five local Ulama gave their *Fatwa* that this part of the mosque was an integral part of the mosque and the meeting accordingly passed the resolution. Afterwards another meeting of the Board took place and for want of previous notice a Moslem member's motion that no part of the mosque be destroyed was ruled out of order. In due course, a deputation of some prominent Mussalmans waited upon the Collector and requested that this part of the mosque should be spared and gave instance of the Holcy Road which was originally aligned in such a manner as to require the demolition of the place reserved for ablutions in the Chhoti Idgah, but was built according to a different alignment in deference to the wishes of a Moslem deputation which waited on Mr. Holcy. I have in my possession a plan of the Holcy Road, which shows that the road has spared a portion of the mosque eleven feet in width, which would have been demolished if a geometrically perfect alignment had been insisted upon in those days. The road is from 102 to 105 feet in width generally, but where it passes by the mosque it is only 94 feet wide in one place and 97 in another. I may mention here that it appears from a plan in my possession of the mosque now in question and the proposed road that the part of the mosque said to be demolished in order to give a perfect alignment to the road is no more than $13\frac{1}{2}$ feet at its greatest width.

What impresses me most is the resolution passed by

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the Municipal Board at a meeting held on the 1st of April. The requisition for the original resolution was signed by no less than six Hindu members in addition to the four Muhammadan members of the Board. However, two Hindu members proposed an amendment, which left out the preamble of the original resolutions, but adhered to the conclusion that no portion of the mosque should be acquired. The Chairman proposed and a European member seconded another amendment desiring that no action be taken, but this was supported by four votes only, while the two Hindu gentlemen's amendment was supported by 13 and was carried, the proposal of the original having exceeded the amendment. It will be very presumptuous on my part even to suggest to your Honour that under the circumstances it seems to me that local self-government would be a hollow mockery if the Chairman can still have his way. But I have no doubt that this aspect of the question has appealed to your Honour as much as it has appealed to me.

In the reply given by your Honour's Government to my friend the Hon'ble Mr. Shahid Husain an instance is given of a washing place attached to a mosque having been acquired at Lucknow for improvements of the town. The Cawnpore Mussalmans state that if this refers to the two mosques in Moulviganj to the west of the Aminabad Park it is their belief that the part acquired was a separate building and never used for prayers. In any case, they contend that the instance of the Holcy Road at Cawnpore itself is more to the point,

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and that even if in one place some Mussalmans agreed to the acquisition of a building dedicated to God for being used by Moslems making their ablutions before prayers, such consent cannot bind Mussalmans in another place. I also learn that in a meeting of the Municipal Board held on the 20th May it was only the casting vote of the Chairman which helped him to carry an amendment against staying further proceeding to enable the Muhammadan members of the Board to make further representations to the Government. It seems to me that, if the Muhammadan members of the Board are still of the same mind as before and four Hindu members vote for staying the proceedings against three who support the Chairman, it is a matter in which Government can well regard the Chairman's views as of less moment than those of the Moslem members and a majority of the Hindu members. I hope and trust that no action of the Chairman will make this a Hindu-Moslem question, but if it has become one, I fear that some would be led to suspect that the Chairman actively assisted in creating such a dissension. I know how keen your Honour is that not a breath of suspicion should attach to the authorities with reference to the "divide and rule" policy. I only hope the Chairman of the Municipality at Cawnpore would be equally keen to avoid such suspicions.

I have counselled the Mussalmans of Cawnpore to make yet another representation to your Honour if they cannot accept the representation as final, and I would once more beg you to accept my suggestion and consult

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some Moslem Ulama and Moslem lawyers in the matter. I cannot, of course, refrain from commenting on this affair if the decision is given against what I believe to be a genuine complaint but I would rather I do not have to comment on this matter at all, and that on a reconsideration your Honour found that you could respect our prejudices in the matter.

With kindest regards,

I remain,

Yours sincerely,

Delhi, 9th June, 13.

(Sd.) MOHAMED ALI.

MY DEAR MOHAMED ALI,—I much regret the delay, due to pressure of other work, which has prevented me from sending an earlier answer to your letter of the 9th June, 1913, on the subject of the Machhli Bazar Mosque in Cawnpore. I greatly appreciate your writing to me so clearly and yet in so friendly a spirit, and I will endeavour, as always, to reply in a similar tone.

2 I have reconsidered with much care, and in consultation with many visitors of all classes, the decision which has been already published about the removal of the mosque *dalan*, (I call it by that name without prejudice, as the lawyers say.) I was most anxious to satisfy myself that the orders, though final so far as I was concerned, were not also unjust or inconsiderate; and after careful thought, I do not see that this can justly be said of them.

3. The *dalan* has long been shown on the A. B. Road maps as marked for acquisition and removal. No

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protest against its removal was made to me when I was on the spot in connection with the adjacent temple : and my guarantee that the mosque should not be destroyed had no reference to a *dalan* which is obviously an architectural excrescence and which I was confidently assured by the responsible officers is not an integral part of the sacred building.

4. The protests against the removal of the *dalan* did not begin to reach me until several months after the decision to spare the Hindu temple had been promulgated. This naturally caused me to investigate whether they represented a genuine grievance, or an after-thought suggested by the concession to the Hindus and by the desire to secure some corresponding privilege for the Muhammadan community. An important fact to be ascertained for this purpose was the treatment of the *dalan* by the Muhammadans themselves. On this point I consulted Mr. Sim; and he at once told me that when the Muhammadans took him to see the *dalan* they crowded into it with their shoes on. I am not unfamiliar with the usages and sentiments on this subject, having visited many mosques myself with devout Muhammadans. I accordingly took Mr. Sim's statement (the correctness of which I unreservedly accept) as conclusive evidence that the *dalan* has not the same sanctity as the masjid proper. This evidence is a very different matter from the suggestion in your letter that Mr. Tyler entered the *dalan* wearing his boots, in order to show that it was not sacred ground. My conclusions were drawn from what the Muhammadans themselves did.

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5. It was in consideration of this evidence of the attitude of the Muhammadans when I was in Cawnpore myself, and of the belated nature of the objections, that I passed the orders I did, and described them as final. I should not have done so if I had any fear of wounding genuine susceptibilities or violating the religious sense of any body of men. There seemed to me and there still seems to me, no risk of such apprehension. Dislike to change there may be, and resentment of interference with the old and familiar. But the cry of outraged religious sentiment I regarded as exaggerated and not wholly sincere. I believed that, by replacing the *dalan* in another and equally suitable site and by giving reasonable help to the mosque or its appanages, we should make compensation for any temporary inconvenience to the worshippers, or for any change in their accustomed routine. We are ready to make ample compensation in this way. The alternative, as you point out, would have been to deflect the road, or to allow the *dalan* to project into it. This would in itself have been a small matter. But to what extent are public improvements to be obstructed by minor concessions to individuals or sections of the community?

6. Believe me I should have been very glad to avoid this pother; but we must all agree, if we wish for the public good, to discriminate between the big things and the small. If every inconsiderable trouble is to be magnified into a racial grievance and accepted as such then good-bye to the usefulness of Government

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and to the advance of the public welfare. When I go to Cawnpore next month, I will see the Muhammadans and do what I can to remove any feeling of soreness which I should sincerely regret. But I am afraid that I cannot alter the decision to move the *dalan* out of the alignment of the A. B. Road. I am none the less grateful to you for putting the matter before me so fairly and frankly as you have done.

Yours sincerely,

GOVERNMENT HOUSE: (Sd.) J. S. MESTON.

Nainital, 2nd July, 1913.

The reply to the memorial submitted through Mr. Shahid Husain was received by the Mahomedans with grave anxiety and disappointment, and in the helplessness of their position, they found that no good results were likely to come out of the correspondence between Mr. Mohamed Ali and His Honour. The Mahomedans, therefore, submitted another memorial through the Raja of Mahmoodabad in which the whole case was argued at considerable length. Meanwhile in a meeting of the Board held on the 20th May a resolution was moved to the effect that "the Board recommends that the Government be pleased to reconsider its decision." But the Chairman proposed an amendment that "no further representation be made by the Board and that the Government order be accepted as final." A heated discussion arose at the meeting. Hindu and Mahomedan

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members strongly opposed the amendment and it could only be carried by the casting vote of the Chairman.

Now, under the Land Acquisition Act notices have to be served on all persons whose properties are proposed to be acquired. In conformity with the law, these notices were served upon all other house-owners concerned. But so far as it is known by the public of Cawnpore, no legal notice was served on the Mutwallis of the Machhli Bazar Mosque until the afternoon of the 29th of July.

Men were sent to take measurement of the *dalan* of the mosque. But the Mutwallis of the mosque did not take the matter at all seriously as their memorial was then pending the decision of the head of the Government. But on the 29th of June, at 3 p. m., one of the Mutwallis of the mosque received a notice issued by a Deputy Magistrate to the effect that under orders of the Collector, dated the 29th June, the Mutwalli was called upon to call at the Deputy Magistrate's bungalow between 2 p. m. and 5 p. m. on that day, to get information about the award. This was the first notice that was served personally on the Mutwalli under the Land Acquisition Act. The Mutwalli and others whom he at once consulted, were at their wit's end. But the Mutwalli did not see the Magistrate issuing the notice as no question of award could ever arise as the question of the acquisition of any portion of the mosque was never discussed with them.

A ray of hope, however, brightened the countenance of the Moslems when Sir James Meston visited

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Cawnpore on the 30th June. They hoped that His Honour's visit would bring peace to disturbed Cawnpore by a satisfactory settlement of the mosque question in view of their memorial. They had ample faith in the decision of the Lieutenant Governor. Even to this time the Cawnpore Moslems never lost hopes. Little did they know on the 30th of June what was in store for them on the morrow.

DEMOLITION AND UNREST.

Early in the morning of the 1st of July, the neighbourhood of the Machhli Bazar Mosque was in great commotion at the sight of a large number of unwelcome visitors. The mosque was soon surrounded by a force of armed Police with fixed bayonets who guarded the various approaches to the mosque. It soon became evident that the authorities intended to carry out the demolition of that portion of the mosque which stood in the way of the new road. Mounted police patrolled the neighbouring streets and kept moving the crowds that had gathered. The demolition was carried on in the presence of the District Magistrate and several police officers who were present on the spot. After demolition, the party retired at 10-30 a. m. The news of the demolition of a portion of the mosque spread like wild fire from one end of the city to the other and into the suburbs, casting a gloom over the Mahomedan populace. Several thousands of Mahomedans including a large number of mill and factory hands visited the mosque during the day and in the evening a huge mass meeting was held at the I'dgah. Great consternation

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and excitement prevailed at the meeting. At the close of the meeting the following telegram was sent to His Excellency the Viceroy :—

“The following resolution passed by Cawnpore
“ Muhammadans to-day in a general meeting to inform
“ Your Excellency that unprecedented sacrilege of
“ Cawnpore Machhli Bazar Mosque by authorities with
“ the aid of armed police, without waiting the result of
“ memorial submitted to His Honour the Lieutenant-
“ Governor. Proceedings illegal and unknown since
“ British Rule in India. Excitement greatest. Request
“ intervention and restoration of the sacred building in
“ the same place.” 4316.

The feeling of the Moslems ran very high and the demolition of the mosque became the only topic of the day. This chapter of the unhappy incident ends with a touch of humour. The reply to the second memorial of the Mahomedans was issued from Nainital on the 2nd of July.

Two Trustees of the Machhli Bazar Mosque issued a long statement detailing the event that led to the demolition of a portion of the mosque and stating that they cannot accept compensation in any shape. The local authorities besides monetary compensation had offered a large piece of ground adjoining the mosque.

A meeting of the representatives of the various classes of Mahomedans was held on the 16th July at which the number of Trustees was raised to eleven, nine additional Trustees being nominated. These Trustees were enjoined not to do anything which was

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contrary to Moslem laws and to consult local Mahomedan public in all matters of importance. It was further resolved to memorialise the Viceroy through the Raja of Mahmoodabad praying for the restoration of the demolished portion of the mosque and to request the authorities not to remove materials of the demolished portion till the Viceroy had passed orders on the memorial. The Trustees were further directed to make enquiries regarding the origin of bogus letters, which they had received suggesting acceptance of terms offered by the local authorities.

The cry of protest and indignation that was raised at Cawnpore soon found its echo from one end of the country to the other. It became evident in no time that the Mahomedans were not in a mood to take the matter which seriously affected their religion, lying down. An all India agitation was soon contemplated and public meetings protesting against the action of the Cawnpore authorities began to be held in all important cities of India.

The following resolution was adopted at an emergency meeting of the All India Moslem League and wired to H. E. the Viceroy on July 21st:—

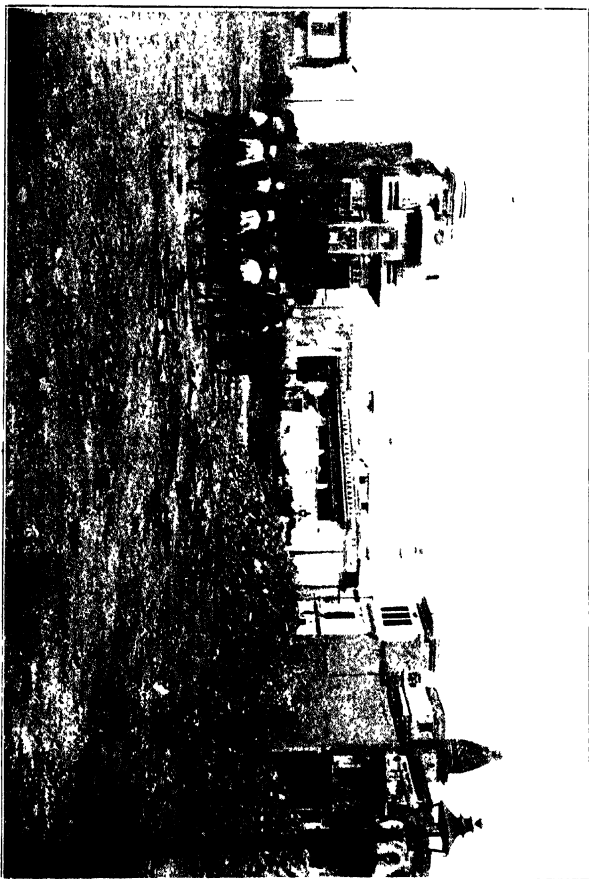
“This emergency meeting of the Council of the All India Moslem League places on record its deep sense of mortification, at the demolition of a portion of the Machhli Bazar Mosque at Cawnpore under the orders of the United Provinces Government in utter disregard of the representatives of the Moslem feeling on the

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subject, by which the religious susceptibilities of the Indian Mussalmans in general have been seriously wounded and while strongly protesting against such an act of sacrilege, in respect of a place of worship, in contravention of the Royal Proclamation of 1858, respectfully but most earnestly urges the Government of India to direct the restoration of the demolished portion of the mosque, in order to allay the growing indignation of the Moslem public."

A mass meeting of the Mahomedans which was attended by more than six thousand persons including mill and factory hands who absented themselves for the morning, was held on the 23rd July at the Cawnpore Idgah in connection with the demolition of a portion of the Machhli Bazar Mosque. The terms of the memorial to be submitted to the Viceroy were explained and signatures obtained. One speaker quoted verses from the Koran showing that the portion demolished was an integral part of the mosque and urged that the agitation should be carried on in a constitutional manner and loyal spirit. Another speaker pointed out that every effort should be made to control the passion of the masses. Should the Viceroy refuse to interfere the matter would be carried up to the Secretary of State for India; and if they failed everywhere, then such steps would be taken as were sanctioned by their religion.

The following resolution was passed by the



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Showing the demolished portion and heaps of brick lying about, which according to the correspondent of the 'Pioneer' were 'ammunition sufficient to arm half the people of Ireland.'

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Council of the Madras Presidency Moslem League and wired to the Viceroy : The Council of the Madras Presidency Moslem League in a meeting held on the 27th expressed great regret at the action of the United Provinces Government in demolishing a portion of the Machhli Bazar Mosque of Cawnpore. They earnestly pray that His Excellency will be pleased to allay the growing feeling of the Moslems by ordering the restoration of the demolished portion."

At a mass meeting held at Bankipore on July 31st it was resolved "that the Mussalmans of Behar Province strongly condemn the sacrilege committed by the Government of the United Provinces in demolishing an integral part of the Cownpore Machhli Bazar Mosque in direct contravention of the recognised constitution and settled policy of British Government in India of non-interference with the religion of the people of the country and this mass meeting prays that His Excellency the Viceroy be pleased to reconsider the order of the United Provinces Government and to order the construction of the demolished portion of the mosque and thereby restore the confidence of the Indian Mussalmans. It was further resolved "that this meeting of the Mussalmans conveys its appreciation of the firm stand of the Cawnpore Mussalmans in vehemently protesting against the order of the United Provinces Government."

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A PRESS COMMUNIQUE

The following press *Communique* was posted to all papers.—A considerable excitement, it appears, has been aroused in the Mahomedan circles in connection with the removal on the 1st July of a small building attached to what is known as the Machhli Bazar Mosque at Cawnpore, the All-India Moslem League memorializing the Government on the subject. We hear of meetings and protests from various parts of the country. It is probable that the facts of the case are not exactly known even to some of the organisations from which protests are now emanating. In Cawnpore itself there is comparatively little excitement among the Mahomedan community on the subject.

In the course of a much-needed Municipal Improvement Scheme in Cawnpore, a project was matured and sanctioned for running a new road through the densely populated areas between Mouleganj and Dufferin Hospital. Intention to take up the necessary lands and buildings was duly notified as far back as November, 1909. Land plans were deposited for public inspection in the Collector's Office. The plans indicated that the temple known as the Tili's temple would be removed and also the outer or eastern courtyard of the Machhli Bazar Mosque which is not far from the temple. At first serious objections were raised in connection with the removal of the temple—a handsome building with a peculiar and pathetic history. The representations were addressed to the authorities about the temple but no action, it appears, has been taken by the Mahomedans regarding the

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mosque. In November last, when the Lieutenant Governor was at Cawnpore, he visited the ground and after an informal discussion with the Municipal members announced that the new road would be splayed in such a way as to spare the temple. The temple, to be neatly faced by the Hindus, was left as an island in the middle of the roadway which would move round it on both sides. At the time of this decision some Mahomedan gentlemen asked whether the effect of it would be to destroy the mosque. They were assured that this would not be the case, on the contrary, it was so arranged that the alignment of the road would spare the courtyard in entirety instead of cutting off a piece of it as originally intended. Only a portion of the mosque premises which would then be affected would be the narrow projection used as washing place on the extreme north-east of the main courtyard. The Improvement Trust Committee visited the mosque in February last and decided to give a plot along the north wall of the building in lieu of the condemned washing place. Towards the end of March letters began to appear in some newspapers protesting against the interference with mosque premises whatever. A petition was sent up to the Local Government asking that the eastern portion of the mosque should not be acquired and destroyed. The reply of the Local Government was to point out that no part of the building was now to be removed except the washing place. It is understood that after passing several conflicting resolutions the Municipal Board finally decided to proceed with the acquisition. An award

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was made under the Land Acquisition Act at the end of June. On the 1st July, the washing place was removed under precaution to prevent a breach of the peace. Some of the protests which have since been pouring in appear to suggest that the whole mosque has been desecrated or demolished. The truth is that a small building which projected from the eastern wall of the mosque across the alignment of the new road is all that has been removed. It was a narrow raised platform, with a drain running through it and a privy at the end, the whole structure being nine feet broad by twenty eight feet long roofed over in contrast to the open courtyard which was used for devotions of worshippers. It has been urged in some protests that the building was of equal sanctity with the rest of the mosque. The best comment on this is the fact that the Chairman of the Board went to visit the building. The Mahomedans who accompanied him entered it with shoes on and pile of shoes were seen lying on the platform inside. The Local Government has expressed its intention of rebuilding the washing place on the north side of the mosque in equally convenient position. There seems little doubt that the local Bisatis who are Trustees of the mosque would have accepted this reasonable settlement of their case some time ago, if pressure had not been brought to bear upon them from outside to resist any settlement. The whole occurrence has been greatly exaggerated and misrepresented. There has been no other intention on the part of the local authorities throughout than to treat the mosque and the Trustees with every consideration.

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STATEMENT BY MUTWALLIS

The Mutwallis of the Cawnpore Mosque has circulated the following statement in reply to the Press *Communique* issued by the U. P. Government :

In the Press *Communique* issued by the Government of these Provinces on the 25th July, 1913, regarding the Machhli Bazar Mosque, the Government is pleased to say that no action was taken by the Mussalmans regarding the mosque, although the necessary notification was issued in November, 1909, and the plan was also then deposited in the Collector's Office. This plan indicated that the eastern courtyard of the mosque would be removed. His Honour the Lieutenant Governor visited Cawnpore in November last and spared the Hindu temple on the representation of the Hindu community and also gave the Mussalmans to understand "that the only portion of the mosque which would then be affected would be a narrow projection used as a washing place on the extreme north-east of the main courtyard." The *Communique* proceeding further points out that a small building which projected from the eastern wall of the mosque across the alignment has been removed, it was a narrow raised platform with a drain running through it and a privy at the end, on which the Mussalmans, on the infallible evidence of the Chairman of the Municipal Board, used to enter with shoes on.

The *Communique* opens by playing with the feelings of local Mussalmans on the subject and ends by

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saying that the Mutwallis of the mosque would have accepted settlement long ago were it not for outside pressure.

The Mutwallis wish to say that it is true that the notification was issued in 1909, but it gave no details of the buildings to be eventually acquired or demolished. Moreover, the proposed alignment has since then undergone changes more than once. The plan prepared by the Board was in the English language with which the bulk of the Mussalman public was unacquainted and who would have supposed that a notification under the Land Acquisition Act could not altogether ignore the cardinal and underlying basis of the British Constitution in India—absolute neutrality in matters of religion. The plan itself, however, is complete justification of the attitude taken up by the Mussalmans. There is no mention—intentional or by mistake—of the acquisition of Municipal number 90 which the mosque bears. Only a portion of house No. 89 is shown as likely to be acquired. Moreover, the Muhammedan public was indifferent as regards the municipal plan referred to.

In November last when His Honour visited Cawnpore, his attention was drawn to the memorial of the Mussalmans. In an informal meeting of the members, His Honour was pleased to say as has been already reported in the local paper the *Herald of India* that both the Temple and the Mosque would not be interfered with. This view was further supported by the reply given by His Honour to the memorial of the Mussalmans of Cawnpore and the

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recommendation made by the Municipal Board to spare the portion of the mosque now demolished. His Honour then made no mention of the courtyard or the *dalan* of the mosque. The courtyard was not under discussion then and to call the *dalan* of the mosque as a washing or bathing place is simply going against the real fact and the bare truth.

The portion demolished was situate inside the eastern wall of the mosque and not outside it. It appears that here too the local officials have succeeded in producing in His Honour's mind a wrong impression of the real state of affairs.

It is true that there was a drain in the *dalan* of the mosque which carried the ablution water outside the mosque into the Municipal drain, but the western portion of it has always been used for offering prayers and to say that there was a privy in this *dalan* is again merely misrepresenting the facts. There can be no privy inside a mosque and it is much to be regretted that His Honour with all his knowledge of Moslem traditions should have also accepted this—a revelation in Mussalman circles.

The statement of the Chairman of the Municipal Board that he saw the Mussalmans enter this portion of the mosque with shoes on is undoubtedly wrong. We took the liberty of asking the Chairman to point out the occasions on which he saw the Mussalmans so enter. The Chairman has declined to give a reply on this point. According to the Moslem faith the *mimbar*, and the altar possess equal sanctity with the rest of the

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building of a mosque. The Mussalmans absolutely deny that they ever entered the *dalan* with shoes on and they challenge any proof to the contrary.

We have not accepted any compensation or grant for the demolished portion of the mosque nor will we ever do so, in accordance with the tenets of our religion. This we have declared publicly in the press. We confess we are unable to realize the true and inner significance, if any, of the statement that there is want of genuineness of feelings among the Mussalmans of Cawnpore. If by agitation is meant that the Mussalmans should overstep the bounds of law and order, then surely the very religion which compels us to protest against the high-handedness of the Government officials forbids our doing so. But if by agitation is meant agitation on constitutional lines which confines itself to criticising the action of the Government, in the strongest possible language compatible with law and order in monster and crowded meetings, and if by agitation is meant the seeking of redress by means of memorials and deputations, from the very Government in which the Mussalmans have not lost confidence and who have been sorely tried by this wanton act of high-handedness on the part of some of its officials, then the Mussalmans of Cawnpore may justly claim that they have not lagged behind despite grave risks.

Note.—A pamphlet containing full particulars about the mosque will shortly be issued, which will lay bare the real truth.

(Sd). Md. Abdul Kadir Azad Subhani, Abdur Rahim, Sanauddin, Md. Ismail, H. Mohd. Hashim, Md.



The Hon'ble Nawab Syed Nawab Ali Chaudhury Khan Bahadur.
President, Calcutta Protest meeting.

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Siddiq, Karim Ahmad, H. Mohd. Kamruddin, H. Mohd. Hanif, H. Ahmed Ullah, Mohd. Majid Ahmed—
Secretary.

CALCUTTA PROTEST MEETING

An overflow meeting of the Mahomedans of Calcutta and its suburbs was held at the Town Hall on Sunday afternoon (3rd August) to protest against the action of the United Provinces Government in demolishing a portion of the Cawnpore Mosque and other matters. The Hon'ble Nawab Nawabali Chaudhuri Khan Bahadur presided. The meeting was very enthusiastic. Such was the enthusiasm of the Mahomedans that all shops owned by them at Colootola, Amratola, Lower Chitpur Road and other places were closed. The gathering was a huge one, every one who attended it was led away by religious feeling and smarted under a sense of wrong. No less than fifteen thousand people representing all classes of Mahomedans attended.

As the number of the people present far exceeded the capacity of the Hall, three other open air meetings were held on the maidan and on the ground-floor of the Hall.

After the Sheriff declared the meeting open, the Hon'ble Moulvi Fazlal Huq proposed and Moulvi Abdur Rahman Baksh Elahi seconded that the Hon'ble Nawab Nawabali Chaudhuri do take the Chair.

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A prayer was then said by a Moulana.

The President rising amid loud and vociferous cheers in the course of his address said :—

Gentlemen,—I do not use the language of convention when I say that I consider it a very great honour to be asked to preside over the deliberations this afternoon. The gathering which I see before me in this historic Hall represents all classes of the Mussalman community in the metropolis and the suburbs and I also see before me leading Mahomedans from all important districts in the Presidency. An assemblage of such great importance and significance full of Ulama, leading merchants, zemindars, leading men of the various professions, representing all shades of opinion in our community is proof positive, if proof indeed were needed, that the deliberations, in which we are going to take part, concern matters of the utmost importance to the community. I am not one of those who would rush into the arena of political agitation for the sake of notoriety, or who would consent to publicly criticise the action of the authorities unless I am sincerely and deeply convinced that such criticism is imperatively necessary in the interest of the administration itself. From all that I have heard, and from all that I have read about the unfortunate happenings at Cawnpore and about the mosques at Delhi and Agra, the conviction has irresistibly forced itself on my mind that the feelings of the Mahomedan community have been very deeply stirred, that the minds of all classes in our community are in a

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state of ferment, and that there is ample reason for this state of feelings. I have, therefore, considered it my duty not only to be present at this meeting but to thankfully accept the great honour you have done me by selecting me as your President in order that I may discharge my duty to the community to which I have the honour to belong and also to the Government to which we are bound by all the ties of loyalty and devotion, by interpreting to the authorities the true feelings of the Mahomedan community in these matters. At a critical moment such as this, when even the best intentioned error of judgment on the part of the Government may provide a turning point in the ideas and feelings of the Mussalmans, would it be right for any of us who claims to be devoted to Government to keep aloof from the counsel of his community and give Government the wholly wrong and misleading impression that the feelings to which I have referred are confined to a few zealous agitators and have not permeated every stratum of Muslim society in India ?

No, gentlemen, these are not the views and opinions of a few misguided enthusiasts or of mischief-mongers bent on misguiding their co-religionists. These are the views and opinion of all classes of Mussalmans and I do not interpret my duty to Government as silence or serene assurances that may lead Government to the edge of precipice. I hold that it is the duty of every loyalist to warn the Government in time and save it from unrealized and incalculable dangers. What would the general of an army think of his scouts who gave

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false assurances about the dangers of an advanced movement merely to confirm his own fancies?

In the next place, let me assure Government that it would be a mistake to suppose that an agitation of such magnitude and importance is at all a local affair or merely got up for the occasion. Its roots lie buried deep down in the most cherished religious conviction of a community the binding form of which is neither race nor colour but religion. It is this which makes the affair of a mosque as much an affair of Calcutta as of Cawnpore, as much an affair of Dacca as of Delhi. That is the justification of our assembling here to-day and let me assure Government that no wire-pulling beyond Bengal was necessary in a matter in which our religious duty has been tugging at our heart strings ever since the 1st of July.

Coming now to the matter in hand, there is no doubt that the portion of the Cawnpore Mosque which has been demolished is an integral part of the mosque itself. The *Fatwas* of the Ulama leave no room for doubt that this portion is as sacred as any other part of the mosque. Even if it be accepted for argument's sake that the eastern *dalan* of the mosque was a place only utilised for purposes of ablutions and not also for prayers, can any one who knows anything about our mosque believe that shoes were taken to a place where ablutions were made? From everything which the authorities have published, it appears that the only evidence against the contention of the Mussalmans of Cawnpore which the authorities have is that the Chairman of the Municipality

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states that he saw some shoes in the eastern *dalan* and when he went in with his shoes on the Mussalmans of Cawnpore followed his example. This single statement, contrary to the most complete and categorical denials of the Mussalmans of Cawnpore to which the Chairman has nothing to say, has been unreservedly accepted by the Lieutenant Governor and without offering the least chance for a cross-examination of rebutting evidence, Sir James Meston has not only given judgment against the Mussalmans but has also had it executed even before it was delivered.

The Cawnpore sacrilege was preceded by an act of similar sacrilege at Delhi and followed by a similar lamentable affair at Agra and has created a universal apprehension that the authorities are growing indifferent to the religious susceptibilities of the Mahomedan community. Apprehensions like this create such grave dangers for Government that it is our bounden duty to bring them to its notice. After this we expect that the Government would also do its duty and remove them by action which will be both appropriate and effective.

It is well known that all important cities of India are full of mosques, tombs and shrines of saints held in the highest veneration by all classes of the community. Schemes of City Improvement are being pushed on with utmost vigour and enthusiasm all over India and it is not impossible that under excess of zeal, though with the best of intentions, officials may overlook the veneration due to these sacred places. We should bring home to the authorities the duties

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they owe to an important section of His Majesty's subjects in India, a section of His Majesty's subjects whose loyalty to the King has only been exceeded by their submission to the Commandments of their God. Therefore, while expressing our resentment at what has taken place, let us request Government to take all reparation that is now within its power, and make such action as may effectively prevent sacrileges in the future. I am informed that His Honour Sir James Meston is about to receive a deputation of some eminent Mussalmans on the subject. Let us hope, Sir James would himself see the error of the policy hitherto followed and order the restoration of the demolished portion of the mosque. In any case, His Excellency the Viceroy is sure to do justice and we look to him to heal our wounded feelings.

The Hon'ble Mr. Fazlal Huq M. A., B. L., Vakil High Court and a Member of the Bengal Legislative Council, moved the following resolution :

That this meeting of the Mussalmans of Calcutta and its suburbs most emphatically asserts that according to the principles of the Mahomedan religion and law, the portion of the Machhli Bazar Mosque at Cawnpore which has been forcibly demolished by the U. P. authorities, is an integral part and as sacred as any other part of the said mosque, and it strongly protests against the various misrepresentations contained in the recent official *Communique* in connection therewith.

He said that no matter what the consequence might be, no matter what the difficulties might be in their way,

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they were determined to make it plain to Government that in the matter of their religious susceptibilities, they would not allow even their highest officials to interfere.

Mr. Khursed Hussain, Vakil, seconded and Maulvi Abdul Raoof and Maulvi Abdul Ahed supported the resolution which was carried.

Mr. Abul Kasem moved :

That this meeting expresses its deep sense of resentment and indignation at the sacrilegious conduct of the U. P. authorities and thereby seriously interfering with the religious liberty of His Majesty's subjects assured under the Royal Proclamation of 1858, the Charter of the Indian people.

He said that the official *Communiqué* stated that the portion of the mosque demolished was not an integral part. Who was to decide that ? The Mohomedans or the members of the Indian Civil Service ? The Mahomedans and the Mutwallis were the proper persons to decide that question. They had met there that day under the shadow of a calamity unprecedented in the history of the country.

Nawab Nasir Husain Khayal seconded the resolution which was carried.

The Hon. Maulvi Mahomed Tahir moved :

That this meeting respectfully requests His Excellency the Viceroy to direct the restoration of the demolished portion of the mosque, and urges upon the Government to take such action as may be necessary to ensure in future due respect of the authorities for the religious sentiments of the community.

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Mr. S. M. Shareef seconded, and Mirza Ahmed Ali and Moulvi Kazim Hossain supported the resolution which was carried.

Mr. Mohamed Ali also spoke at the meeting. Mr. Ali, however, dwelt elaborately on the Turkish affair. So far as the demolition of the mosque at Cawnpore was concerned, he said that he was afraid that it would be reported to the Government that another agitator came all the way from Delhi to excite peaceful Calcutta. The Government said that there was no agitation in Cawnpore but the agitation was excited by outside agitators. For his own part, he came to Calcutta on his own private business and as a matter of fact did not even know that there was a meeting to be held till the day before. He thought of not taking any active part in the meeting as it would be viewed by the Government that an outsider had come to excite Calcutta Moslems. But it seemed to him afterwards that whether he did anything or not, whether he took part or not, it was sure that it would be reported that he came here to excite the Mahomedans of Calcutta. A Persian Poet says addressing God :—

“If thou knowest without my uttering it, why not I utter it.” So he ventured to take part in the proceedings but he would confine himself to the question of Turkey. If outside agitators had been very zealous of the Cawnpore affair, it was not because it was a Cawnpore affair but it was a Moslem affair. A mosque was the same whether it was in Delhi or Calcutta or Cawnpore. Regarding the excitement at Cawnpore,

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the speaker said that he had not been to Cawnpore himself except that he met one or two influential Mahomedans at the Cawnpore station on his way to Calcutta. He was assured by them that it was only the other day that there was a crowd of eleven thousand Mussalmans, despite inclement weather, who assembled at Cawnpore to protest against the sacrilege. Whosoever said that there was no excitement in Cawnpore said what was not true. The speaker himself was repeatedly told by Cawnpore Mahomedans that the *Comrade* should have taken a stronger attitude than it had hitherto done. As a matter of fact, he was told by the Cawnpore people that had it not been for his very strong advice that nothing unconstitutional should be attempted, there would have been bloodshed on the 1st July when the portion of the mosque was demolished.

THE RIOT AND AFTER

A serious riot in connection with the Machhli Bazar Mosque took place on the 3rd August at 10-30 a.m. A mass meeting of Mahomedans was held in the morning at the Idgah on account of which the Mahomedans had closed all their places of business, including the meat, vegetable and fruit markets. The meeting was attended by a large number of Mahomedans, who went to the Idgah bare-headed as a sign of mourning. What transpired at the meeting was not reported, but it was understood that the meeting was held in connection with the re-taking of Adrianople and the Machhli Bazar Mosque.

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After the meeting a crowd of some four or five hundred Mahomedans, following a black flag, marched up to the Machhli Bazar Mosque, and after a few minutes' stay began to pile the loose bricks of the demolished portion of the mosque, which were lying close at hand, one upon another, with a view to rebuild a portion of the wall. The City Inspector of Police and the Sub-Inspector of Colonelganj Thana were present at the Gillis Bazar Chowki, and the Sub-Inspector at first tried to ride up to the crowd, but after receiving some stones and brick-bats, retired. He was joined by the City Inspector and later on by a number of police constables belonging to the Chowki. The crowd assumed a threatening attitude.

The City Inspector and his men retired and were followed by some of the crowd, including a large number of boys, who pursued them up to the Chowki and the policemen had, therefore, to take shelter behind the Chowki. Those that had followed the policemen, after doing slight injury to property in the Chowki, went back to the mosque.

The number of those who now gathered near the mosque was considerable, far more than a thousand, including a large number of spectators. The authorities had meanwhile been apprised of what was taking place and soon after Mr. Tyler, District Magistrate, with a force of armed police, both foot and mounted, reached the spot. Keeping his force a little distance behind, Mr. Tyler rode alone towards the crowd which was near the mosque. After he had gone a

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short distance brick-bats and stones were thrown at him, at which he halted and waited for some time for the crowd to disperse. The crowd was, however, in no mood to disperse, and as stones and brick-bats, of which there was a large quantity near at hand, continued to be thrown at him he called the assistance of his force. The firing of some rounds of blank cartridges did not produce any effect and, therefore, the order to fire with ball had to be given. As a result of the firing, which was kept up for ten minutes, the crowd eventually dispersed.

Several persons were killed and a number injured, including several policemen, who in the *melee* were injured, some of the latter receiving shots fired by the police. One policeman was dead. So far altogether 12 dead and 33 injured persons were brought to the hospital. Several spectators, including Hindus, received serious injuries. The Superintendent of Police also received injury. Numerous arrests were made.

The following details were wired to the press as being officially received in connection with the riot by the correspondent of the Associated Press on, the 3rd August :—

"I regret to report an unfortunate occurrence at Cawnpore this morning. Local Mahomedans, taunted by outside agitators with apathy in religious matters, held a mass meeting in the I'dgah this morning. Afterwards, carrying black flags, they surged to the Machhli Bazar Mosque and started to rebuild the demolished portion, a small projection outside the courtyard. Volleys of stones

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were thrown at the police, and the District Magistrate and the Superintendent of Police were summoned to the spot, with the result that the police were compelled to fire on the crowd and charge with mounted police. It is reported that 30 to 40 rioters were killed and wounded, and several policemen were injured. Quiet was restored by noon."

The correspondent added :—

"His Honour the Lieutenant Governor of the United Provinces, who is at Bareilly on his monsoon tour, leaves that place by special train to-night¹, and should be in Cawnpore early on Monday morning, when he will hold a full enquiry into the facts. It is unfortunate the riot should have occurred as the Lieutenant Governor was to have met a deputation of the moderate section of the Mahomedans on the 9th and he had undertaken to visit the mosque and receive a formal statement of their grievances."

The same correspondent obtained the following further particulars from the district authorities :—

"The Mahomedans held a mass meeting this morning at the I'dgah. At its conclusion they marched in a body to the Machhli Bazar Mosque and set about re-constructing the demolished building, at the same time attacking the civil police present with brick-bats. Police reinforcements were called and they were similarly attacked. The police then opened fire and charged the mob and cleared the mosque and its surroundings. The casualties were :—Roiters 13 killed, 28 injured. Police, one killed, 35 to 40 injured."

In another message the correspondent said :—



The girl that was wounded & removed to the hospital.

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"Altogether seventeen persons have died as the result of injuries received in connection with Sunday's disturbance. One policeman who died received accidentally shots which were fired by the police force. There are some forty-five persons lying injured in hospital, three or four of whom are not expected to survive. The injured include some fifteen policemen who received more or less slight injuries as compared with the injuries inflicted on the rioters. More than one hundred and fifty arrests were made including Moulana Sheikh Abdul Qader Azad Subhani, Principal, Madrasa Alinayat, a religious seminary, and well known in Mahomedan literary circles, Shiek Hafizulla, the well-known hide merchant and Sheikh Qamruddin—all Trustees of the mosque and conveners of Sunday's meeting, Hafizulla, Said Khan, Mahomed Yasin and Mohammad Ismail. Late on Sunday evening some forty-five boys who were in custody were released. It is understood the rest were produced before the Joint Magistrate when the police obtained a remand for ten days."

The following are further official details of the riot at Cawnpore on Sunday last :--

"The story of the very serious disturbance at Cawnpore is as follows :—While moderate Mahomedans were awaiting the result of the deputation on the Lieutenant Governor on the 9th August, the feelings of the populace were being excited by attacks of newspapers and by taunts. They had shown no zeal for religion. A mass meeting was attempted on July 23rd, but it was a failure. Sunday was selected for another meeting,

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being a holiday at the mills. Strenuous efforts were made by circulating printed notices and personal canvassing to secure a big attendance. The meeting took place at the l'dgah. Estimates of attendance vary from 10,000 to 25,500. Speeches were made, and though some were moderate the meeting was closed by a fiery address by the local Moulvi. The audience surged towards the city, mostly bare-footed and bare-headed, black flags flying and the *Kalama* shouted. At about 10 o'clock the Machhli Bazar Mosque was reached. The City Kotwal proceeded there and warned the civil police of the two adjoining outposts to watch the events. The crowd surrounded and entered the mosque. Cries of "build it up at once" arose and a number of men began to pile up the bricks on the site of the demolished washing place. A wild scene of uproar and excitement followed. The Kotwal with some mounted police approached the crowd and was received with abuses and brick-bats. Civil police were brought from the adjoining two outposts. They were set upon and mercilessly beaten with *lathis* and belaboured with stones. Meanwhile, the Magistrate and the Superintendent of Police had been informed of the outbreak. The armed police whom Superintendent Dodd had been holding in readiness were ordered out by the Magistrate, Mr. Tyler, and Mr. Dodd led them at once to the scene. Halting the police, Mr. Tyler rode up to the mob and attempted to reason with them but he received a shower of bricks and had to retire. The unrest by this time grew tremendous and the crowd pressed forward to attack the

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police. The Magistrate had given order to fire, but the rioters were soon so mixed up with the police that volley firing was impossible. Mr. Dodd then made a division. A collection of his handful of *Sowars* led an effective charge, which stormed the advance of the mob and allowed the armed police to advance. They had to fight their way to the mosque inch by inch. The mosque was held in force and from it showers of bricks and stones still continued. By this time, turbulent spirits, scattering the police, were able to seal up the mosque and surrounded the body of rioters in the open space in front of it. About 170 arrests were made. The dead and wounded on the ground were carried off. By mid-day complete order was restored. Although rumours of further outbreaks were prevalent, no further violence was attempted and the city was absolutely quiet.

The total casualties as far as known at present were 18 killed, 27 wounded rioters. The police suffered severely, 24 including Mr. Dodd, were more or less badly hurt. One constable in plain clothes got entangled in the crowd and was killed with buckshot.

The wounded received attention from Captain Simpson, Civil Surgeon. The Magistrate ordered the release of 40 boys out of 131 then in detention.

A feeling of intense depression was felt over the city."

The author as special correspondent of the *Bengalee* wired the following description of the riot and the situation at Cawnpore after that unhappy incident :—

I have already stated under what circumstances the demolition of the mosque was hurried through. The

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local authorities did not even care to await the reply to the second memorial. No interest would have suffered if the act of demolition had been delayed one day more. The Mahomedan mind was utterly exasperated by the action of the local authorities. It gave a rude shock to the religious susceptibilities of the Mussalmans. They gathered round the banner of Islamic brotherhood. Prayers were offered to invoke the blessings of God. Two great protest meetings were held at Cawnpore and the cry was taken up, as we saw later on, by the Mahomedan India. A mass meeting was fixed for Sunday, to be held in the Cawnpore I'dgah. That fateful day will ever be remembered by the Mahomedans for the black tragedy that took place at Cawnpore. From early morning Moslems in their thousands wended their way to the I'dgah bare-headed and carrying black flags as a mark of mourning. Excitement ran high and at the meeting several speeches were delivered exhorting the people to stand on their sacred rights. .

After the meeting was over, the procession divided itself into three batches. One batch, composed mostly of young boys, overtook the rest of the procession and soon appeared before the mosque. They recited the *Kalama*. The elderly people among the batch beat their breasts in sorrow in the same way as we see in the Mohurram procession in Calcutta. By this time there were not more than 250 people in the compound. It is admitted on all hands that some of these people began to pile loose bricks which were lying in abundance all over the place. This is what has been described as an

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attempt at rebuilding the demolished portion of the mosque. A Mahomedan Police Sub-Inspector rode up to the people and asked them to disperse but, it is said, that brick-bats were thrown at him. He retired and soon came back with the Inspector of Police. Both the officers shouted to the crowd to desist from rebuilding the wall, but a shower of brick-bats came in reply. The two officers then brought to their assistance a *posse* of constables who attempted to make a dash at the crowd but their number proved quite inadequate for the purpose and they had to retreat to the thana amid the hurling of brick-bats. The crowd now gathered in strength, other batches of the procession coming up in the meantime. The crowd which followed the retreating policemen came up to the Chowki and threw brick-bats there also. It then returned to the mosque. The accounts are conflicting as to what took place afterwards. I did my best to find out what actually happened and to my mind it appears that the account of the subsequent stage of the riot as published in the *Cawnpore Journal* gives a very faithful description of it.

Meanwhile, the authorities had been apprised of what had taken place and at about quarter to eleven the District Magistrate, Mr. H. G. S. Tyler, accompanied by the Superintendent of Police and an armed force of mounted and foot police reached the spot. Stationing his men behind him, Mr. Tyler alone rode towards the crowd which had considerably augmented and gathered near the mosque and after he had gone some distance in the direction of the crowd some stones and

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brick-bats were thrown at him. At this Mr. Tyler halted and waited for some time for the crowd to disperse. The crowd apparently was not willing to disperse and as stones and brick-bats began to be thrown at Mr. Tyler in large numbers, he ordered the police force to advance. This also had no effect on the mob who continued to throw stones and began to advance towards the police. The police, thereupon, fired some rounds of blank cartridges and as this also had no effect, order to fire was given to the police. This soon had the desired effect and as the crowd showed signs of falling back the mounted police with their swords flashing charged the mob which was then in flight.

A number of spectators including several Hindus received the shots that were fired, a particularly sad case being that of a young man who was standing on the terrace of a neighbouring house and received shots which proved fatal. Some other Hindus were also more or less seriously injured.

In the next place we shall see if the fatal riot could have been avoided.

The mass meetings that had been held previous to the 3rd of August were sufficient indications of the discontent of the people, apart from anything else.

A large percentage of ordinary Mahomedans of Cawnpore is mill hands and past experience in different parts of the country shows that this class of people easily lose the balance of their mind and with a slight provocation are infuriated to commit a breach of the peace. Now, there was cause for great provocation here. The

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Mahomedans felt that there had been unkind interference in their religious matter and their most sacred rights had been trampled under foot. What led the local authorities to believe that the Mahomedans would take the sudden demolition of a portion of their sacred mosque peacefully lying down? Take it from the official standpoint. It is said that the agitation was engineered from outside. Assuming that that was so, what guarantee was there that the same agency might not incite the agitators to do something more than merely holding meetings and bemoaning their 'lots'?

A very pertinent question may be asked, why in these circumstances no precaution was taken to guard the mosque? I have ascertained from different sources that the mill hands made no secret of their intentions to rebuild the mosque. What made the local officials slight that persistent rumour and not take any precaution? I am not constrained to believe that the rumour did not reach them. Besides the ordinary police there are C. I. D. men in Cawnpore as anywhere else and surely these officials were not *chained* all the time.

Now, come to the incident of the 3rd of August. Early in the morning, a huge procession was formed. All the Mahomedans walked bare-headed and some of them carried black flags. It was not a mere *tamasha*. It indicated the intensity of Moslem feelings. It was an ominous move, although it might have meant no immediate mischief. Why was not any precaution taken even on that day? The Sub-Inspector, it is said, approached the mob, but he was pelted with brick-bats and left the

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place. He reappeared on the scene with only the Inspector to run away again, encouraging the mob to give them a chase. A third attempt was made to bring the crowd under control with an inadequate police force who at the earliest opportunity took to heels. The mockery of Police force only encouraged the crowd to follow them up to the Chowki. The Sub-Inspector ought to have proceeded to the crowd with a large contingent of policemen all at once or should not have tried at all to bring the pressure of his own great personality on the excited crowd. Then came the Magistrate to remonstrate with the crowd. But brick-bats were thrown at him also. Two ways were then open to him, either to leave the crowd to have its own way or to disperse it with an armed police force. To do the first would have been to place his official prestige at a discount. He called in the armed policemen, both mounted and foot, and gave the order to fire. Whether the crowd made a bold stand even in the presence of the armed policemen or was fired at while running, is the subject-matter of the trial that is now pending. But I have heard it stated that the policemen entered the shops and houses close by and wounded and dragged out people from inside. The by-standers were also fired at by the police. There were no doubt many more persons than those sent to hospital were wounded, if not killed. For, many people saw persons in *ekkas* and carriages bleeding profusely from their wounds. There must have been some military operations even inside the mosque itself.

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I noticed marks of blood on the inner walls and on the roof of the mosque. The marks of shots on the walls of the room went to show that some use of the rifles was made even in the prayer hall. I have yet to know if it is the case that brick-bats were thrown from inside the mosque, and if so, was any amount of this "ammunition" seized from inside the mosque.

I have received information that there are many more wounded people both in Cawnpore and the neighbouring places, who managed to escape arrest. Some of them are said to be in critical condition. It only stands to reason that many more persons were wounded as the firing from hundred and twenty rifles, it is said, continued for ten minutes.

News has reached here that Government restored a demolished mosque in Sind recently and people here also hope that better counsel shall yet prevail, and the question of the Machhli Bazar Mosque will be similarly dealt with. The situation is grave in the extreme and ought to be tackled with statesmanlike wisdom. Sympathisers and advisers are daily coming to Cawnpore from all parts of the country—from Rangoon to Peshawar and from Madras to Bundelkhand. The situation at Cawnpore has long ceased to be a mere local or even provincial question. It is the all absorbing topic of the day and must be looked at from the point of view of the whole Indian empire. It is too late in the day to talk lightly over this unfortunate incident now. I saw many respectable persons arriving in Cawnpore. They all describe the riot in very strong terms. They are

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representative Mahomedans from different parts of India and their views are shared by the rest of the Mussalmans in the land.

The riot case is but the main offshoot of the real issue involved. In the temporary commotion over the riot case, the main question of the religious rights of the Mussalmans cannot be left in the back ground. This view is endorsed by all the representatives of that great community with whom I had occasion to discuss these matters. If seventeen lives have been lost in Cawnpore there are millions of Mahomedan lives which have been made unhappy by the action of the Cawnpore authorities. The Moslems are determined not to let their real grievance pass into obscurity by the hum-drum over the riot case. They demand a Commission of Enquiry into the development and the present state of the whole affair. This Commission, they urge, must consist of officials and non-officials—Hindu, Mahomedan and Christian.

How widely the discontent prevails and how strongly a Commission is demanded by the Mahomedans is further demonstrated by a letter which Mr. Wazir Hasan, Hon'y. Secretary to the All-India Moslem League, has addressed to Mr. Mazahrul Haque of Bankipore. I make the following extracts from it :—"The members present at this day's meeting are of opinion that the affairs of the Cawnpore mosque, as they have taken the turn now, clearly show that the Government of this Province has made itself a party to the whole controversy and is prepared to support the action of the local

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authorities as is indicated by the speech of the Lieutenant Governor in reply to the address of the Agra Municipality. We think that under the circumstances the Council of the League should ask the Government of India to appoint a Committee of independent persons, whether officials or non-officials or both, to enquire into the whole matter from beginning to end. We are convinced that the action of the local authorities were absolutely unjustified. The most heartless * * * unprecedented in the annals of British administration in India has been perpetrated at Cawnpore. Old and young men and children have been shot dead on very flimsy pretext."

So the same cry comes from all parts of the country. If this and many such unequivocal expressions of sentiment do not open the eyes of some people I fail to see what will.

The poor Mahomedans appear to have been overawed by the exhibition of strength of the local authorities. They spoke mostly in whispers and looked around to see who were listening to them. Nothing can be farther from the truth than to say that the local Moslems are not very keen about the demolition of the portion of the mosque. They consulted persons well versed in the Islamic religious book (Shari'at) who gave their opinion in no ambiguous terms that the portion of the mosque used for ablutions was an integral part of the mosque and was as sacred as wherein they said their prayers. Some of those I saw were so overpowered with wounded feelings that they sobbed like boys and tears rolling

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down their cheeks checked their utterances. They, however, sincerely believe that the authorities will, in deference to their religious susceptibilities, yet see their way to order the restoration of the demolished portion of the mosque, when their prayers will have reached the higher authorities at Simla and in England.

I came back with the impression that the riot and bloodshed have driven discontent underground and if there was no manifestation of it, it was due to the terror that had seized the people. The local Mahomedans are at one in emphasising that they have not the slightest intention of doing anything that may be construed by unfriendly critics as indicative of their desire to commit a breach of the peace.

I had been inside the mosque and saw bullet marks on the walls and even inside the prayer room. A quantity of Moslem blood still paints several places on the walls and the roof and on the *durrie* that lay spread at the time.

The seventeen followers of the Prophet who were killed by the rifles of the soldiers are looked upon by the local people as martyrs and as soon as their names were mentioned, the benediction of God was uttered by those who stood surrounding me. Old Mahomedans kissed the ground on the spot where they fell.

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MAGISTRATE INTERVIEWED

The author wired the following interview with Mr. Tyler to the *Bengalee* :

I interviewed Mr. Tyler, District Magistrate of Cawnpore, at his bungalow. Mr. Tyler is a very courteous gentleman and in the course of my rather long interview he gladly replied to all the questions that I asked him relating to the recent events. He asked me what was the attitude of the *Bengalee* towards the Cawnpore affair. I told him that the *Bengalee* in its editorial said that it was all due to an error of judgment, on the part of the officials and the riot could have been avoided if sufficient precaution had been taken beforehand. The Magistrate said that he had no reason to suspect that there would be any attempt on the part of the Mahomedans to rebuild the mosque. The meeting on the 3rd August was not the first meeting at Cawnpore. Two or three other meetings had already been held and everything passed off peacefully. He naturally thought that the meeting was held only to show the intensity of Mahomedan feeling. Moreover, Mr. Tyler added, His Honour was to have received a Mahomedan deputation on Saturday and for the Mahomedans to try to rebuild the mosque or commit any breach of the peace at such a time would go against their own interest and they would not do that.

I asked him if he knew that the Kotwal had heard beforehand that the Mahomedans would rebuild the mosque. Mr. Tyler said that he had no such information. I asked him if it was possible to disperse the crowd

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without firing at it. He said that there was no other alternative. Mr. Tyler further said that the mob was armed with *lathis*. I asked him if it was a fact that the policemen fired also inside the mosque. He said that they might have done so, as there was a large number of people there and brick-bats were also thrown from the mosque. Was it a fact, I asked, that the crowd which threw brick-bats was composed mostly of boys? Mr. Tyler said that there were many boys and the procession was arranged with the boys in front. I asked Mr. Tyler if he was aware that the policemen entered some houses and shot the inmates and dragged them out. He said that as soon as one instance was brought to his notice he stopped it at once. I asked him how was it that a Hindu, who was standing on the roof of a house, was shot dead? Mr. Tyler opened the Code and kindly enlightened me of the fact that technically that man was among the rioters. Brick-bats were being thrown from all sides and how were the policemen to know that that man was not taking part in the riot? I enquired if all the boys had been released. He said that Mr. Mohamed Ali had told him that there were more boys in the hospital. It was very difficult, he said, to ascertain the age of Mahomedans. A man of 20 would give his age as 15 and a boy of 13 would give his age as 16 or 17.

I drew his attention to the different versions that had appeared in the papers about blank cartridges being fired. It was first published in all the papers that blank cartridges were fired, but the *Pioneer* contradicted it.

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Mr. Tyler said that blank cartridges were never fired. I told Mr. Tyler that the Mutwallis of the mosque told me that no notice had been served on them personally about the proposed acquisition of the washing place. He said that the Land Acquisition Officer had been to the mosque and told the Mutwallis all about it and notice about the award was served on the 29th June. I said that it was officially stated that there was no agitation protesting against the acquisition of the washing place of the mosque. Mr. Tyler said that that was so. I drew his attention to the memorial that had been submitted through Mr. Shahid Hosain signed by 1,200 Mahomedans. He said that it was well-known how those memorials were got up, people would sign them without knowing what they were for. Mr. Tyler further said that Mahomedans became very keen about the matter when they came to know that the Hindu temple would be left alone. I told the Magistrate that after interviewing many people at Cawnpore my impression was that there was great discontent among the Mussalman and that the feeling was shared by the Mahomedans in Bengal. I also told him that some leading Mahomedans had told me that what the Partition of Bengal did to Bengal the Cawnpore riots would do to these Provinces—it would unite the Mahomedans to present a bold front against any measure of Government which affected their interests and that the Mahomedans still hoped that Government would reconsider the matter. Mr. Tyler said that as in the case of the Partition of Bengal, if Government were to give way to every agitation,

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administration of this country would be impossible. Mr. Tyler believed that the agitation was engineered from outside. I asked him if he thought that there were instigators of the riots who had not so far been arrested. He said that certainly there were some more.

SIR JAMES MESTON AT CAWNPORE

His Honour the Lieutenant Governor of the United Provinces, on his way to Agra, broke his journey at Cawnpore on the 4th August, for a few hours. His Honour visited the scene of Sunday's disturbance and saw the Machhli Bazar Mosque. His Honour went to the Hospital where he spent a considerable time and enquired into the case of all the injured, including a number of policemen. From the hospital His Honour proceeded to the jail, where the number of those arrested exceeded one hundred, including a number of boys. It was also reported that some of the Trustees of the mosque, who convened Sunday's mass meeting and addressed the same, had been arrested. His Honour during his tour of inspection was accompanied by Mr. Browning, Commissioner of the Allahabad Division, who had been in Cawnpore for some days, and the local officials.

MASS MEETING AT LUCKNOW

A mass meeting of the Mussalmans of Lucknow and its neighbourhood was held on the 4th August at Kaiser Bag in connection with the Cawnpore Mosque under the

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presidency of Mr. Syed Nabiullah, Bar-at-Law, Vice-President of the All-India Moslem League. Feeling ran very high. The President with immense difficulty controlled the audience. The first resolution was moved by Mirza Samiullah Beg, who traced the history of the occurrence and assured the Government that nothing short of the restoration of the demolished portion of the mosque would allay the growing indignation of the Indian Mahomedans. Mr. Wazir Hasan, Secretary to the All-India Moslem League, in a speech, dealt with every point of the *Press Communique* issued recently by the United Provinces Government in connection with the mosque and said that the *Communique* was uncalled for. He trusted that His Honour the Lieutenant Governor of the United Provinces would cancel his former order and take to task the authorities of Cawnpore for misrepresenting facts of vital importance. He deplored the action of the Government in issuing the *Press Communique* which caused, he said, bloodshed at Cawnpore on the 3rd of August. He also said that the Government of Oudh should take steps in matters like those very cautiously. Mr. Shahid Hosain criticised the action of the authorities at Cawnpore and hoped that the Lieutenant Governor of the United Provinces would rectify this mistake. Maulana Abdul Bari criticised the action of the Government and urged the people present to obey the mandates of Islam in matters of religion and hold it dearer than life. He asked the audience to sacrifice all and to keep aloft the banner of Islam.

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The first resolution, which was passed in silence, all remaining standing, ran as follows:—That this mass meeting of the Mussalmans of Lucknow emphatically affirms that the portion of the Machhli Bazar Mosque at Cawnpore, recently demoilished, was an integral part of the said mosque, as sacred as the rest of it, and respectfully but strongly protests against its demolition which has deeply wounded the feelings of His Majesty's Mussalman subjects all over India and earnestly appeals to the Government of India to order the restoration of their desecrated place of worship in order to allay the feelings of excitement and alarm so extensively prevailing amongst them.

Mr. Zahoor Ahmed proposed to wire the resolution to the Viceroy and Dr. Naziruddin Hasan, M.A., Ph. D., remarked in seconding that if the Viceroy would not intervene they would go to the Secretary of State and appeal to Parliament, and if they failed the representatives of the community would go bodily to London to appeal to His Majesty the King Emperor to get their grievances redressed.

After this the meeting dispersed with a vote to thanks to the Chair.

MR. MOHAMED ALI INTERVIEWED

Mr. Mohamed Ali, editor of the *Comrade* and the *Hamdard*, was in Calcutta early in August in connection with a Turkish appeal to Englishmen which had been proscribed, as he wished to question

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the validity of the order of proscription in the Calcutta High Court. Interviewed, he expressed his great regret at the disturbance at Cawnpore and went very fully into the genesis and development of the difficulty. He hoped that one distinction at least would be clearly made.

So far as the destruction of a portion of the mosque was concerned the matter was one which affected the Mahomedans all over India. But although they were very sorry that the riot had occurred and although as Mussalmans it was their duty to render every legitimate assistance to the people of Cawnpore, it was a matter which primarily concerned the Cawnpore rioters and officials. "I had been dealt with rightly or wrongly at the time and would be dealt with further by the local and provincial authorities." Mahomedans all over India would urge that nothing had happened to alter the situation which was to be considered at the conference on Saturday between the Lieutenant Governor and a Moslem deputation. The action of a few men could not be allowed to rob Mahomedans of the right that their sacred buildings should not be touched.

Mr. Mohamed Ali strongly protested against the allegation that the Cawnpore Mahomedans had been indifferent until their feelings had been worked upon by outside influences. His own correspondence with Sir James Meston commenced with his telegram of May 15th. It had lasted until the beginning of July. During all that time he had refrained from referring to the matter in his paper, although the Urdu papers were

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doing so. On May 15th he had been visited by a deputation of Cawnpore Mahomedans who discussed the question with him with great feeling and were unwilling to drop the matter. He had impressed upon them to restrain the temper of the masses and assured them that in the meanwhile everything possible would be done to represent the matter rightly to the authorities. After the demolition of the mosque on the 1st July he had been told how difficult it had been found to keep the more ardent spirits in check. The conveners had, however, remembered his very strong advice to them and had succeeded.

As regards the question at issue, Mr. Mohamed Ali said that the sanctity of the whole of the building of a mosque and of the land it stood upon was laid down in the Shari'at. It extended equally from the western *dalan* to the eastern where the purificatory washing of the hands and face took place before prayer. The question of keeping shoes on or taking them off was a convention mainly of Indian origin in order to keep the floor of the mosque clean. Even in the K'aba Mahomedans went with their shoes on, and at the Agra mosque the Amir of Afghanistan and many of his officers had entered without taking off their shoes and without affecting the sanctity of the building. The eastern *dalan* was an integral portion of the Machhli Bazar Mosque. Overflow congregations offered prayers there and the fact whether it was built at the same date as the mosque or comparatively recently did not affect the question. The situation was some-

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what different in the case of Hindu temples. So far as his information went, and he spoke subject to correction, provided religious ceremonies were duly observed the images could be removed from one place to another and he was informed that at Cawnpore itself several temples had thus been removed. But whatever be the facts of the case of the Hindu religious law, they did not affect the question of mosques. All over India the sanctity of a masjid was recognised and had hitherto been left undisturbed. Even in Calcutta the tiny mosque near the Medical College is evidence of this. Mr. Mohamed Ali feared that the recent actions of the local authorities appeared to have been aimed at forcing the hands of the Lieutenant Governor and presenting him with a *fait accompli* when the conference took place on August 9th. There was no need to have demolished the *dalan* on the 1st of July before the Lieutenant Governor had replied to the memorial sent through the Honourable the Raja Saheb of Mahmoodabad. The Lieutenant Governor was to give his final decision on Saturday and the building could well have been allowed to remain till then. It was a small matter that the mob should try to pile up loose bricks on the top of each other. Without mortar they could not rebuild the mosque and if they could it would be easy to tear it down again.

Mr. Mohamed Ali said that without more details, he could not discuss the events of last Sunday. But he denied that the manifest excitement in Cawnpore itself could be attributed to the alleged taunts of outside

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agitators. Under present circumstances he must await further testimony. But accepting the messages hitherto published as true, it was clear that neither at the place of meeting nor at the mosque was there adequate police force to keep the crowds in check. For police officers to attempt anything with such an inadequate force and particularly for Mr. Tyler to come to the scene, could only be provocative. What would have served the purpose of vindicating the dignity and the powers of the State far better would have been to have let the crowd alone at the time and to have surrounded the mosque subsequently during the night with the military of which there is enough for all purposes at Cawnpore. The riot case is now *sub judice* and it would be improper to prejudice it by comments. But His Honour the Lieutenant Governor should institute a careful inquiry into the whole affair.

The question of the new road, Mr. Mohamed Ali explained, had been before the authorities since 1909 and so far as he understood Sir John Hewett had approved an alignment which spared the mosque, just as in the case of the Holcy Road some 50 years ago when an alignment was narrowed to spare the Chhoti I'dgah. Much had been made of the absence of protest from the Mahomedans at the time when acquisition was notified. But this arose from a curious anomaly in the numbering of houses in the land acquisition plan which he had himself seen. The mosque was numbered 90 and this number was outside the alignment. But on a closer examination of the plan it appeared that a portion of it was marked

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as No. 89 which was to be acquired. The Mahomedans thought that the whole mosque had been spared, whereas a portion was included in the area to be acquired. During the deliberations of the Improvement Committee he was informed that the one Mahomedan member did refer to the question. Mr. Mohamed Ali contested the allegation that the trouble had arisen after the Hindu temple opposite had been spared and that it was an illustration of ill-feeling between Mahomedans and Hindus. On the contrary, the Hindu members of the Municipal Board had on the whole fully supported the Mahomedans in their attempt to save the mosque.

The conference on Saturday would be attended by the Raja of Mahmoodabad, Mahomedan Members of the Imperial and Provincial Councils and some distinguished Ulama, including Maulana Abdul Bari of Farringhee Mahal, Lucknow. Mr. Mohamed Ali hoped that the incidents of Sunday would not be permitted to cloud the issue. It was not a question of Government giving way after a riot had taken place. The Government had already vindicated its power. The question was exclusively the maintenance of a universal Mahomedan right that the sanctity of mosques must be absolutely respected. He was sorry that something had been done to hurt and inflame the religious feelings of the loyal and law-abiding Mahomedan community in India when its temper had already been tried by events abroad.

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PRESS COMMENTS

(The Outlook)

Unquestionably the news of the shooting down of a Mahomedan procession at Cawnpore, engaged in protesting, though riotously and tumultuously, against a "Municipal regulation," has created a profound feeling of anxiety throughout England. The fact that the Mahomedans were killed while protesting against interference with a Mahomedan place of worship deepens the sense of uneasiness and sorrow. Englishmen do not like to have British rule supported too obviously by bayonets; and they down-right detest even a righteous necessity which calls for armed police. The fact that Indian Mahomedans have suffered, and that a grave agitation has arisen among the Moslem population, makes the affair all the more tragical and deplorable. We may be sure that the British Magistrate who had actually to meet the outbreak of fanaticism and violence displayed the utmost regard for humane considerations in face of the infuriated multitudes who sought to restore the damaged portion of the Machhli Bazar Mosque. It is elsewhere that the real responsibility must be sought. It is somewhat like the deplorable bloodshed at Johannesburg, where passions that threatened to provoke the most terrible catastrophies necessitated the intervention of the Imperial troops. The actual tragedy was only the result of antecedents which do not appear to have been recognized until the mischief had occurred. It is said in India, and in all probability said with justice, that the

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religious passions of the Cawnpore Mahomedans had been insidiously excited by agitators from outside. There has been a growing excitement among the Indian Mahomedans ever since the misfortunes of Turkey and the declarations of anti-Turkish policy by the Liberal Cabinet at Westminster. The unfortunate accident which led to a mosque being sacrificed in part in order to make room for an improved roadway, while a Hindu temple, that was intended to be demolished originally, was spared, gave an opportunity for sowing ill-will too tempting not to be utilized by the emissaries of discontent. We can receive all these explanations, which have no doubt their historical value. It remains regrettable that things should have been allowed to come to this extremity. The traditional administration of British India was accustomed to prevent such explosions in preference to suppressing them. Was it necessary to demolish any portion of a Mahomedan religious edifice without the full consent of the Mahomedan community? Granted the importance of good roads and better communications, might not a considerable circuit be much less an impediment to the public convenience than a religious edifice removed at the expense of many human lives and the anger of scores of millions of the King-Emperor's subjects? Somehow it does not recall the historic spirit of English rule—it does not recall the ways by which we won and kept India for glorious generations, when we read of "municipal improvements" being mishandled with such results. Has the un-English spirit which is conspicuous in so many aspects of the

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Liberal Cabinet and party at home also come to influence the administration of our Asiatic Empire? There have been many changes and many strange arrivals in the conduct of Indian government since the Asquith Ministry came to office. It would be calamitous if our parliamentary rulers, who have degraded Parliament, should succeed in making India feel anything of what Ulster has to suffer. It is a poor excuse that there is an anti-British agitation among the Indian Mahomedans at England's abandonment of Turkey. Why should England have abandoned Turkey? .

There is absolutely, as we have said, no reason for censuring the action of the magistrate who had actually to meet the outburst of religious passion and fury on the side of the angry crowd of Mahomedans. It is not when thousands of rioters are actually showering stones upon a small police force that hesitation can be shown about restoring order. It is the previous situation and the general condition of feeling throughout India, as well as the local circumstances at Cawnpore, which must invite the attention of the judicious observer. In the first place it appears that a curious discrimination was exercised in favour of Hindu petitioners. "Originally a Hindu temple as well as part of a mosque was to be demolished for the road improvement. In obedience to a protest from the people of the town the temple was spared." We believe that we are right in holding that no such injurious discrimination would have been tolerated by the old tradition of British rule in India. It is somewhat absurd to add the sapient remark that "the

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occurrence illustrates the danger of agitators playing on the religious fanaticism of an ignorant crowd." Let anybody try to pull down a Roman Catholic chapel in Galway or Limerick for "road improvement," and let him consider if the most perfect creation in pavement would be worth the trouble that must follow. It appears that the Government had a long warning of the growth of Mahomedan indignation. "The *dalan* or vestibule of the mosque was demolished to widen the road on July 1. The work of destruction was carried out in the presence of the District Magistrate, who had ordered out a strong force of police with fixed bayonets to preserve order. As soon as the building had been pulled down, thousands of Moslems visited the mosque. On July 17 a public meeting of Mahomedans of Cawnpore was held to petition the Viceroy, Lord Hardinge, to order the restoration of the demolished building." The whole month of July was suffered to elapse, during which the Mahomedan protest extended all over India; and yet the devotees in high places of "road improvement" took no account of the deplorable situation. Does the Secretary of State for India receive no information of the rise and progress of vast movements of popular indignation and religious fanaticism, if you please, throughout our Indian Empire?

We are greatly afraid that, in addition to any incompetence which may exist among the novel elements introduced into Indian Government, there seems to be a certain non-official dislike at the sympathy which Moslem India has exhibited towards the misfortunes of

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Turkey and the discontent caused in India by the Near Eastern policy of our Foreign Office. It would be worse than foolish of any Government to show its resentment at such natural sentiments by any disrespect of Indian Mahomedan convictions. Clearly the necessity is evident for a careful examination and investigation where such danger is involved. Religion is the heart and centre of Indian feeling, both Mahomedan and Hindu. The Great Mutiny arose out of the excitement caused by the story of the "polluted cartridges" which were to destroy the caste of the native soldiery. Unfortunately, the forcible demolition of part of a mosque can neither be denied nor explained away. However high in the official hierarchy may be the origin of such a gigantic mistake as the demolition of a Moslem place of worship in order to improve a roadway, the investigation should not stop short of the exact truth and the real responsibility. We do not want the spirit of the Balkan Committee with its pitiful contempt for Mahomedan beliefs and Mahomedan rights, to be imported into the Government of the hundred million Mahomedans of the British Empire. Lord Crewe and Mr. Edwin Montagu are distinguished members of the Ministry which has hounded on the savage Serb and the merciless Bulgar to the destruction of Turkey in Europe—not only the Turkish army and rulers, but the civil population. They, too have turned the deaf ear to every demand for justice or equality of treatment. Even the consular reports of British Consuls have found them as unheeding as their eminent colleague in the Foreign Office. They have done an ill service



Mr. Mohamed Ali,
Editor, the "Comrade."

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to the Empire in Asia ; and in the knowledge of their avowed tendencies it has not failed to fill the Moslem world in India with suspicion and discontent that is the most fertile soil for disaffection. The culpability is mainly theirs. The present is a time when exceptional consideration and friendliness, and no provocation of any kind, should be shown to Moslems by a wise Administration.

(The Pall Mall Gazette)

If ever a serious trouble arises in India, one of the greatest dangers will be that the press and public at home may take a premature and exaggerated view of the situation. The recent riots at Cawnpore, were not a serious matter, but they were very awkward. The United Provinces Government was probably quite right in sticking to its decision about removing an appendage to the mosque which was certainly not sacred. Both Moslems and Hindus have in the past exploited the supposed inviolability of their religious structures to an extent which has become intolerable. They show utter disregard of the care of these buildings themselves, and let their shrines fall into disrepair ; but any idle devotee can block a Government improvement by sticking a few stones together and pretending that they are sacred. The trick is often done.

We do not necessarily trust every 'man on the spot,' but we trust Sir James Meiston, the new Governor of the United Provinces, very much indeed. We do so because, while he is a strong and able administrator,

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he is also unusually receptive of Indian opinion and extremely broad-minded and tolerant. If he says that the opposition to a slight rounding-off of the precincts of the Cawnpore mosque is fictitious, we believe him; and he seems to have said so in effect several weeks ago. The Moslems of Cawnpore appear to have been made the tools of agitators. What was a little local dispute was evidently fanned into a blaze for political purposes. No one need revive the memories of the mutiny in this connection. Cawnpore was made the seat of trouble this time because it is one of the few great industrial centres of India. The agitators have tried in vain to raise the peasants. They have recently concentrated upon the new artisan classes in a few great cities. The mosque incident was a welcome opportunity.

(The Bengalee)

All must regret the deplorable rioting that took place at Cawnpur on Sunday last, the particulars of which are published elsewhere. The occasion which gave rise to it was a mass meeting in the vicinity of the mosque which has given rise to so much controversy. We cannot help thinking that there was an absence of foresight on the part of the authorities and a lack of common sense in dealing with the crisis when it occurred. In view of the excitement prevailing among the local Mahomedan community, effective precautionary measures should have been taken to guard the mosque when the meeting was being held so that there would have been no temptation for an excited crowd to do

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anything illegal. A demonstration of force which need not have interfered with the meeting at all, would, we believe, have prevented the rioting. But no precautionary measures in this direction appear to have been taken. Nay more, it was most unwise and exhibited an utter lack of any perception of the reality of the situation for the Sub Inspector and then for the Inspector, and finally a wholly inefficient police force to interfere with the mob in their building operations. The disposal of this small police force encouraged the mob. Either no resistance should have been offered, and those who acted contrary to law, might have been afterwards dealt with in accordance with the quiet forms of legal procedure, or resistance should have been offered in over-whelming force which would have led to the immediate dispersal of the mob without a drop of blood being shed. As it is, there has been bungling throughout. It is quite clear that the local officials failed to grasp the intensity of Mahomedan feeling on the subject, and officials when they commit a mistake are often too apt to persist in their notions of infallibility. Local feeling was under-estimated, and as is too often the case it was set down to artificial agitation from outside. What could the agitators do—and they are held responsible by the official world for all sorts of nameless horrors—if there was no local feeling at all? The higher officials accepted the views of the men on the spot. Even so astute and clear-sighted a ruler as Sir James Meston acquiesced in the official blunder and shared in the inadequate appreciation of the gravity of the

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situation. It is forgotten that the Mahomedan world is now passing through intense excitement—the tension of feeling is high, owing to the misfortunes of Turkey, and the unhappy manipulations of European diplomacy. The old standard of judging must be tempered by the newly-developed conditions. But the bureaucratic mind, we fear, is slow to move, and tenaciously sticks to old-world traditions which need revision in view of modern developments. The whole of the unfortunate situation which has arisen in Cawnpur and which will be felt all over India, might easily have been avoided by a little more tact, by a greater disposition to conciliate popular opinion, and perhaps a slight modification of the sense of official infallibility. We have again and again in these columns urged the desirability of appointing a committee of representative Mahomedans with full powers to discuss and settle the points at issue. Even the appointment of such a committee would have sensibly relieved the tension of feeling and prepared the Mahomedan community for the acceptance of proposals of compromise. Time and discussion are elements which go far to soothe excitement and prepare the way for a reasonable attitude of the public mind. But these are exactly the things which are too often unacceptable to the ordinary bureaucratic mind. Swift decision followed by vigorous action is glorified as real statesmanship. We have had a recent illustration of it in the Sitapur case. However that may be, we hope that a thorough enquiry will be made into the circumstances connected

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with the outbreak of the riot. Did the authorities take the necessary precautions to prevent it—was the rioting brought on by their bungling and unnecessary interference and would it not have been avoided if they had done nothing and allowed the law to take its course—and when it did occur, was it suppressed without any unnecessary waste of life? These are the issues involved. There has been a great and deplorable loss of life. Arrests have been made and the prisoners will be put on their trial. This will help to keep up and intensify the excitement. But at the same time the breakers of the law must be punished. Altogether it is a deplorable situation. We hope a full official *Communique* will be laid before the public.

(*The Pioneer*)

The seriousness of the present situation does not lie in what has happened at Cawnpore, but in what is going on without. Local disturbances, deeply regrettable as they are, have occurred before and will occur again in large cities of that type; but the temper of Mahomedan society at large is a more serious symptom. Thus the news of the Cawnpore riot was the signal at Lucknow for the immediate assemblage of a mass meeting at the Kaiser Bagh, where prayers were offered for “the martyrs” and a number of speeches delivered by prominent men which, to say the least of it, were decidedly inexpedient in the circumstances of the moment. It is difficult to know how to account for the change that has come over the temper of the Indian Mussalman commu-

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nity, but it has been obvious to everyone that during the last eighteen months it has been under the influence of a general and severe moral reaction. Without appearing to know what it wants it has become restless and ill-humoured looking for quarrels in straws. The opening has come in this mosque affair, which a year or two ago would not have been noticed ten miles away but is now being eagerly seized on all over India as a pretext for the cry of an affront to Islam. The position towards which the leaders are apparently now advancing is that the Government of India must undo the work of the Government of these Provinces or incur the wrath of the community and that is a position of which the adoption would lead to deplorable consequences.

(*The I. D. T.*)

The *Indian Daily Telegraph* referring to the Cawnpore mosque riot questions the wisdom of the extent to which force was employed. "It is said that the object of the people was merely to rebuild the mosque under religious belief that they would thereby obtain salvation. Their action did not endanger life or property of any person and hence the employment of force with heavy death roll was entirely unjustified." It urges that those responsible could have been legally punished afterwards and the portion of the mosque if rebuilt could have been demolished.

(*The Sind Gazette*)

The *Sind Gazette* discussing the Cawnpore mosque affair from the point of view of its effect upon a

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great Mahomedan province like Sind argues that it is against common sense to inflame Mussalman opinion throughout the country.

At a time when owing to Islamic misfortunes abroad Moslems in India are excessively sensitive to the slightest sign of seeming hurt or insult for the sake of carrying out a local road re-alignment scheme which no one outside Cawnpore has ever heard of or will ever care about. The *Sind Gazette* concludes as follows:—
“Sir James Meston has reputation so high among administrators for sagacity and strength of character that we cannot think that he will be long in arriving at and in publicly announcing a decision which will set everybody at rest. If not and if the mischief should proceed we shall begin to wonder what temporary cloud has come to obscure the usually sane counsel of the United Provinces Government.”

“ (The Englishman)

One wishes to write with as great a moderation as possible with regard to the Cawnpore incident. There can be no question that during the past few months pious Mahomedans in India have been rarely tried. As a result of increasing facilities of communication and publicity and also of a very definite propaganda, a feeling of solidarity had become evident amongst Moslems all over the world. The watchword, *Sab Islam hai bhai*, had not only levelled the differences between Shia and Sunni but had brought into a single brotherhood races so far apart as the Malays and the Dervishes of

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the Soudan. Mahomedans had begun to look round for a common head and it is absolutely true that within the last few years even the most ignorant of Indian Moslems had come to regard the Sultan of Turkey with a great deal of reverence as the supreme ruler of Islam. It was just at the time when Mahomedans were most pleased and gratified with the evidences of the strength of Islam that the humiliations of the wars in Tripoli and in the Balkans followed. It is only necessary to point to the enormous sums of money that were sent from India to Red Crescent funds in Turkey to prove how deeply Indian Moslems were stirred. Then followed the quarrels between the Allies and the consequent recapture of Adrianople by the Turks, but at the very moment when Islam was rejoicing at the new turn of Fortune's wheel the Powers declared that Adrianople would have to be surrendered. It has not been surrendered yet, but Mr. Asquith's declarations have been of a kind that have certainly left the impression that the Powers intend to act unfairly towards Turkey. Whether Indian Mahomedans have a right to feel sore about the matter is besides the question. The point is that they are sore, and that by a process which is familiar to the students of the psychology of Eastern peoples, they are inclined, having one grievance against certain Christian States, to look for more and to find in the troubles of Turkey evidence of some kind of gigantic conspiracy against Islam in general

The occurrence illustrates the danger of agitators playing on the religious fanaticism of an ignorant crowd.

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City improvements and railway extensions have often necessitated much greater alterations in mosques in the past and there has never been agitation and objection. It is impossible to attribute good faith to the carefully engineered agitation in the Cawnpore matter.

(The Madras Times)

Sir James Meston is one of the ablest and most fair-minded of Indian administrators, full of good will to the people and deeply interested in their welfare, but we are afraid lacking in that intimate knowledge of their character to which His Highness the Aga Khan drew such pointed attention the other day in his speech at the annual meeting of the All India Moslem League. His Highness said that Englishmen did not realise the important part that religion plays in the Mahomedans' character which gives Mahomedans of whatever nationality, class or colour, a solidarity which is practically, unity. In the matter of the Machhli Bazar Mosque, Sir James Meston was, we much regret to state, ill-advised in meddling with it after the very definite protest made against the dismantling of the building by responsible Mohammedan representatives. Sir James Meston in his reply said :— "If every inconsiderable trouble is to be magnified into a racial grievance and accepted as such, then good-bye to the usefulness of Government and to the advancement of the public welfare." The pother is giving rise to a considerable deal of pother, and all through Sir James not being able to appreciate

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Moslem character. It was an error of judgment which tarnishes a brilliant record of work. Sir James did not think that the part which was demolished was sacred. There was no necessity for its being a holy of holies. Supposing the vestry of a Christian Cathedral sanctioned by time and tradition was required to be demolished to make room for a railway and supposing that an alien Government dismantled it against definite objections, lodged by responsible persons, we think the demolition of the vestry would cause much pain to the adherents of the sacred edifice, even though other land were given to build another vestry on; and a vestry is not sacred. It is the point of view that has escaped Sir James, and his lack of imagination that are responsible for a very deplorable incident. At the same time, we feel bound to add that the Mohammedans of Cawnpore have not shown that degree of patience with the authorities that we have every reason to expect of them. They have allowed their zeal for religion to outrun their discretion. Sir James had arranged to meet a deputation to discuss the subject, and they might have achieved their wishes without the trouble they have brought on themselves.

A mass meeting of the Madras Muslims was held in the Mutalpet Bag Mosque on Friday the 8th August under the presidency of Jonab Moulvi Md. Rahim Sahib of Edga. The following resolutions were unanimously adopted and despatched to H. E. the Viceroy by wire :—" Madras Muslims profoundly resent over Cawn-

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pore bloodshed and respectfully solicit for an urgent enquiry into the conduct of officials concerned and for the restoration of the demolished portion of the mosque and pray for the release arrested priests."

At a meeting of the Anjuman, Mymensingh, it was resolved "that the meeting has full sympathy with the objects of the mass meeting at Calcutta held in the Town Hall, regarding the Cawnpur mosque affairs and that this meeting learnt with deep sorrow the terrible riot at Cawnpore and expresses its sympathy for the poor sufferers and is also of opinion that the utter disregard shown by the local authorities towards the Mussalman religious feelings has brought about this unfortunate incident."

The following resolution was passed at an extraordinary meeting of the Behar Provincial Muslim League held on the 6th August 1913:—"That the Behar Muslim League expresses its strong sense of horror, indignation and resentment at the most gratuitous sacrilege committed by order of the United Provinces Government in demolishing an integral part of the Cawnpore Machhli Bazar Mosque and thereby deeply wounding the religious feelings of His Majesty's Mussalman subjects of India, which is a distinct violation of the constitutional rights of the people of this country and prays to His Excellency the Viceroy to be pleased to order the restoration of the desecrated part of the mosque to its original condition and thus allay the dangerous excitement prevailing throughout the country." It was further resolved "that this meeting

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respectfully prays His Excellency the Viceroy to appoint a Commission of independent men selected by the Government of India and the Muslim community to make a thorough and searching enquiry into the facts of the unfortunate disturbance at Cawnpore which culminated in a tragic end." It was also further resolved "that the Behar League is of opinion that a fund be immediately started to help the Muslim brethren of Cawnpore in the noble struggle that they are carrying on for Islam."

MUSLIM DEPUTATION

A deputation of Mahomedan gentlemen waited on His Honour the Lieutenant Governor at Government House, Lucknow, on August 16th. Those present were the Raja of Mahmoodabad, the Raja of Jehangirabad, Maulana Abdul Bari, the Hon. Mr. Sayed Abdul Raof the Hon. Mr. Shahid Hosain, the Hon. Mr. Raza Ali, Mr. Syed Nabi Ullah, Moulvi Mohammed Harbunah Khan, Mr. Mohammed Naseem and Munshi Ehtisham Ali.

THE ADDRESS

The following is the text of the address which was read by the Raja of Mahmoodabad who seemed greatly affected throughout :—

May it please your Honour—We the undersigned, beg leave to approach your Honour on behalf of the Muslim community of the United Provinces of Agra and Oudh in connection with the Machhli Bazar Mosque at Cawnpore.

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Before entering into the merits of the question which we propose to discuss very briefly, we beg to state that we approach your Honour in this behalf with a full sense of our responsibility to our own community as well as to the Government. This responsibility we have undertaken in view of the great importance of the question which we are to lay before your Honour for your consideration. We feel that we shall be wanting in our duty to our community and loyalty to our Government if we fail at this juncture which we regard as critical to give expression to the feelings of our community. Considerations of such weighty character led us to pray your Honour to receive a deputation and we are highly grateful for the permission so kindly given which has enabled us to approach your Honour. We would first assure your Honour that our community is not moved by any feeling of jealousy towards the good fortune that has attended the Hindu temple close to the mosque in question. Our community has deeply resented the suggestion that the outburst of feeling was due to the saving of the said temple. We think that it should have and has rightly been spared.

We would now beg to say a few words with reference to the charge of laches and delay which has been brought against the Mussalmans of Cawnpore directly interested in the mosque. Without entering into the question as to whether it is accurate to say that the portion of the mosque demolished on the 1st July 1913 was actually and legally acquired in 1909 we would venture to submit that reasons are not wanting to show

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that the Mussalman public of Cawnpore had been ignorant of the fact of acquisition. No demarcation of the land to be acquired had been made on the spot nor any plan of the land published otherwise than by filing an English copy of it for public inspection in the Collector's office. If the plan so filed be examined by itself it will not show that any portion of the mosque was intended to be acquired. Moreover no notice required by section 9 of the Land Acquisition Act was ever served on the Trustees of the mosque as it was on the occupiers of all neighbouring places. At any rate, there can be no doubt that any apprehensions on this score were removed when in November 1912 the Mussalman public of Cawnpore took what your Honour was pleased to say to some of the members of our community of that place as an assurance that the mosque as a whole would be saved from demolition. It would further appear that the acquisition was not understood even by some of the members of the Municipal Board of Cawnpore to have been finally decided upon until the meeting of the Board was held on the 8th of March 1913, as is indicated by the following resolution which was moved at the meeting of the Board held on the 1st of April, 1913.

"From the proceedings of the Improvement Trust Committee that came before the Board at its meeting held on the 4th of March 1913 and confirmed by the Board at the meeting on the 8th of March 1913, to which a protest by a member of the Board was ruled out of order, the Board has come to know that a portion

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of the building of the mosque in Machhli Bazar is being acquired for the purpose of the A. B. Road. Resolved that the contemplated acquisition being objectionable on religious grounds and being contrary to the spirit of the declaration by His Honour the Lieutenant Governor on the 13th November 1912, the Board is of opinion that the said portion of the mosque should not be acquired, and that any previous resolution of the Board directly or impliedly approving of such acquisition be cancelled."

After decision this resolution was amended and passed in the following terms: "That a recommendation may be sent to the Government requesting that no portion of the mosque on the A. B. Road be acquired in deference to the feelings of the Mohamedan community." The Chairman of the Board forwarded the said resolution to the Government through the Collector with a note of his own disapproving of the resolution. The Government thereupon declined to accept the recommendation of the Board. Another attempt was made in the Board to save the mosque *dalan* by moving a resolution in a meeting held on the 20th May to the effect "that the Board recommends that the Government be pleased to reconsider its decision." To this the Chairman moved an amendment to the effect that 'No further representation be made by the Board and that the Government order be accepted as final' which was carried and the original motion lost, only by the casting vote of the Chairman and thus so far as the Board was concerned the matter concluded on that day.

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In the meanwhile, in the month of March, a representative deputation of the Mahomedans of Cawnpore had waited on the Collector of the district in connection with the mosque, but to no effect. This step was followed by a memorial submitted by them to your Honour through the Hon. Mr. Shahid Hosain which was rejected on the 6th May. Lastly, another memorial on behalf of the Mussalmans of Cawnpore was submitted to your Honour through the Hon. Raja of Mahmoodabad, the reply to which was sent to him after the demolition of the mosque *dalayi*. Besides submitting memorials further efforts were made to impress your Honour with the justice of their claim, supported as it was by the *fatwas* of our Ulama.

Your Honour, the question of the comparative sanctity of the portion demolished is, we beg to submit, purely one of Mahomedan ecclesiastical law. Backed by our inherited convictions as old as our faith itself and by the *fatwas* of our Ulama delivered recently, we beg to affirm with all the power of earnestness that we can command that the portion demolished was sacred and was an integral part of the mosque. We have no doubt that your Honour will pardon us if we speak on this part of the question somewhat frankly and feelingly. It has pained us greatly to find arguments publicly addressed in derogation to our religious views on this subject. We, under the sense of expediency, do not desire to enter into the task of refuting those arguments in this address. Your Honour, if it is permissible for us to compare the intensity of our

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feelings on one part of the question with another, we would have no hesitation in saying that this part has wounded our feelings the most. We beg to assure your Honour that the feelings of our community on this question as a whole are neither individual, local, nor manufactured. The demolition of the *dalan* on the 1st July previous to which we were quietly making efforts with the authorities for saving it, has caused a tremendous outburst of feeling amongst the entire Muslim population of India. These feelings are genuine, real and founded upon the bed-rock of religious faith. We need hardly say that the question is one of neither logic nor reasoning, and we fervently hope that it will appeal to your Honour if you will be pleased to consider it in the same spirit in which it is placed before you.

Our proposal to approach your Honour had originated some time before the lamentable events of the 3rd of August. We all bewail those unfortunate events, but we refrain from dwelling on those events more than to deplore them since they are about to be the subject of a judicial enquiry. We however fully trust that these events will not affect your Honour's decision in the matter. We pray your Honour, and pray you most respectfully and earnestly, that the demolished portion of the mosque may be restored, for which we and our entire community as in duty bound shall ever pray. We need hardly assure your Honour that the order prayed for, if passed, will have the effect of allaying the growing excitement and healing the wounded feelings of the entire Muslim community.

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MEMBERS' REMARKS

At the conclusion of the address Mr. Sayed Nabi Ullah said that he thought they had a good case in the Civil Courts.

Mr. Abdul Raoof who followed him said that they were not there to discuss rights under civil or criminal law. The object of the deputation was to approach His Honour with the address and that the Lieutenant Governor irrespective of recent events would take into account the feelings of Mahomedans and consider their supplications.

Mr. Riza Ali agreed with the previous speaker and said that he wished to bring forward the point as to whether the *dalan* was an integral part of the mosque. In Mahomedan law the words 'integral part' did not occur and the whole of a mosque was equally sacred whether it be bath room, pathway or pulpit. Therefore no part of a mosque could be acquired.

The Raja of Jehangirabad and Mr. Shahid Hosain both said that all they asked for was the Royal prerogative of mercy.

HIS HONOUR'S REPLY

His Honour the Lieutenant Governor before rising to reply drew the attention of the deputation to certain maps about which he said discrepancies had crept into the Press. The maps were shown to the individual members.

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Sir James Meston then said :—

Gentlemen,—I thank you warmly for the manner in which you have placed before me your views on certain questions connected with the Machhli Bazar Mosque at Cawnpore. The course which you have adopted is in marked contrast to the intemperate language and distortion of facts with which the matter has been treated in some sections of the Press. It has been a source of much unhappiness to me that any considerable body of Mahomedans should think so ill of Government and its officers as to believe that we were actuated by the motives they ascribed and that we proceeded in ignorance of your sentiments and practices. That they assume, I am indebted to you therefore for the opportunity that you have given me to-day of putting our proceedings and our motives in the true light. As you have addressed me with moderation and in frankness, I will treat you with equal candour and give you a brief narrative of the reasons for demolition of the washing place. As far back as 1909 it has been common knowledge in Cawnpore that a new road running through the Machhli Bazar quarter would mean the demolition of a large number of buildings on the route, and there is no doubt that the scheme was being carefully watched by persons interested in those buildings. I find that in March of that year, 1909, a memorial was submitted suggesting an alternative route mentioning incidentally that the A. B. Road as then aligned would destroy three mosques and two temples. I mention this to show that no reasonable man can pretend that the people of Cawnpore had no

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knowledge of or were not interested in what was proposed. After the alignment of the road had been finally settled the plans were offered for public examination in the ordinary manner. I place a copy of the road plan before you. From it you will see that a portion of the courtyard of the mosque as well as the washing place was proposed for acquisition. The mosque occupied the whole of plot No. 90 and a portion of plot No. 89 as has been tested by measurement on the spot and the remarks in your memorial on this point as well as certain erroneous statements which have been published regarding the alignment of the road must have been based on a mistaken reading of the map. In further confirmation of our conviction that the acquisition of a part of the mosque was neither unknown nor was the subject of protest we have the fact that in November 1911, the Mutwallis of the mosque petitioned the Municipal Board regarding the sale of the adjoining house which occupied the remaining portion of plot No. 89. From this petition it appears that the western wall of that house had been used by the mosque as an enclosure wall of its courtyard on the east. The sale of the house and the removal of its materials in the words of the Mutwallis themselves would mean dismantling the mosque. They therefore asked the wall to be allowed to stand. The special Land Acquisition Officer Mr. Avadh Behari Lal examined the matter on the spot and reported in writing that "the wall should be left for the meantime as the portion will probably be available when the bathroom is taken." The papers were placed before the sub-committee which was dealing with these

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city improvements and the proceedings of that committee were placed before the Municipal Board. There are Mahomedan gentlemen on both these bodies and consequently it is impossible to say that the Mahomedans were not aware of two facts namely that the eastern boundary of the mosque did not belong to the mosque at all, and that that part of the building was to be taken for the road. I am not however so much concerned with what was the knowledge of the Mahomedan public on the subject. It is perfectly clear that the Mutwallis of the mosque with whom in the first instance we had to deal were thoroughly aware of the position, and there is no record whatever of any objection having been offered to the proposed acquisition.

I come now to my visit to Cawnpore in November 1912. On that occasion I went personally to the scene in order to inspect the Tili's temple against the removal of which I had a number of protests. I must have been standing within a few yards of the mosque although I do not remember seeing it and no body brought it to my notice. The members of the Board and other citizens of Cawnpore were with me and the conversation so far as I recollect was free and general. Yet no one made any mention whatsoever of the mosque or of any grievance connected with it. At my subsequent meeting with the Board at the Circuit House a Mahomedan member just at the close of the proceedings put a question to me of which I cannot pretend to remember the exact terms. My impression, however, is that he enquired whether the alteration in route which would be necessitated by sparing

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the temple would do damage to any of the mosques. There were apparently two mosques on the road, one on either side. I had never heard of the matter before and had to consult the Chairman before answering this gentleman. The Chairman informed me that though the bathroom of one of the mosques was being acquired in any case, the alteration of the road on which we had just decided would not involve any further encroachment upon the mosques. I accordingly answered my questioner in the negative. A subsequent examination of the maps has shown conclusively that the decision to spare the temple did not prejudice the mosque. On the contrary dividing one original broad road into two narrower sections it was found possible to diminish the area of the mosque premises which originally had been marked for acquisition, and to take only the washing place and preserve the strip of courtyard which it had previously been decided to acquire. The suggestion which I have seen that the sparing of the temple was reserved by sacrificing a larger portion of the mosque is untrue.

These then, gentlemen, are the facts which were before myself and the local authorities when the present agitation first arose. They indicated that there was no real grievance, no feeling of outraged religion, no desire to interfere with the execution of very necessary improvement. On the contrary we have every reason to believe that the people directly interested in the mosque were aware of the proposals and consented to what has all along been the intention of the local authorities, namely the removal of a small part of the building from the

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eastern to the northern wall without expense to the mosque or inconvenience to worshippers. When therefore protests began to reach me at the end of March and the beginning of April last I found some difficulty in understanding why the position had changed. I am delighted to have your assurance that the reason of the change is not any jealousy of the good fortune of the Hindus in having their temple preserved. It is a matter of sincere regret to me if the feelings of my Mahomedan friends have been hurt by such an assumption. But if this was not the reason for the unexpected outburst of protests, some reason had to be looked for. It was fresh in my mind that a similar arrangement for a slight alteration in the structure of a mosque at Lucknow had been cordially accepted by the Mahomedans of that city and many other instances of the same kind occurred to me, they have no doubt occurred to you. What therefore had happened to make the proposal of the City Improvement Trust in Cawnpore so objectionable? Was the washing place more sacred than the appendages of the mosque which had been removed amicably in Lucknow and elsewhere? Did any special religious sentiment attach to this *Vasookhana* or *Vasookhanas* in general. On this point I assure you, gentlemen, that I did not rush to a conclusion. I did not, it is true, consult doctors of law as I have since done with somewhat varying results. But I did consult a number of Mahomedan gentlemen whom I know to be orthodox and representative of their class and thoroughly reliable. My information was that the *Vasookhana* and the *Istinjakhana*

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have not the same sanctity as the place of worship proper. Local enquiry seemed to afford confirmation of this in the evidence which was given me regarding the wearing of shoes in this part of the building. That evidence I believe in spite of attacks which have been made upon it in the Press and I think you will agree with me gentlemen on a dispassionate consideration of the facts as distinct from technicalities that there is a part of the mosque premises in which worshippers wear shoes and that there is a part in which the ordinary practice in India is to put shoes off. To the average mind it would seem that the same sanctity can hardly attach to the former as to the latter, and that is the meaning—the plain commonsense and non-legal meaning—of what has been said regarding the comparative sanctity of the washing place.

I notice from your memorial—again with sincere regret—that a suggestion of Government that the washing place has not the same sanctity as the inner portion of the mosque has wounded your feelings more than any other phase in this unfortunate affair. I can only say that the statement was made in all good faith, that it had the support of a strong body of orthodox Mahomedan opinion, and that was in no way meant to wound your feelings or hurt your susceptibilities. Knowing me as most of you do, I trust that you will accept this assurance.

I come now to the request with which your memorial concludes : a request that I should order the demolished washing place to be restored. As I have told

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you I am ready and always have been ready to give to the mosque, with all necessary dedication or other formality, an area on the north side which will be more than sufficient for a washing place, as well as to reconstruct the washing place on that area, or present to the mosque a sum of money which will allow the Mutwallis to construct it for themselves. That offer, made in all good faith, has long been open and remains open. If however your request extends to the reconstruction of the washing place on the site which has been acquired, the position is different. Had we met some weeks ago and discussed the matter as we have done to-day, I can not say what the result might have been. But the whole state of affairs has been altered by the events of the 3rd August and I regret it is impossible for me now to pass any such order. By expressing regret I am using no mere formal words, for I see here to-day some of my best friends, Indian gentlemen whose opinions I highly value and whose advice I would implicitly accept in nine cases out of ten. But in this case I have to think of the broad administrative considerations which underlie the maintenance of law and order, and the neglect of which would mean misgovernment and chaos. Like you I cannot discuss the calamity of the 3rd August while still *sub judice* though I may join with you as I sincerely do in deploring the loss of life and suffering which have occurred. But without in any way anticipating results of the judicial enquiry it is my clear duty to proceed on the principle that Government cannot accept or appear to accept the dictation of force.

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And now gentlemen, I venture to ask your help. You know that the British Government is no wanton destroyer of your sacred buildings. You know on the contrary how it has preserved, restored and beautified many Mahomedan monuments of which you are now most proud. You also know that in this matter of city improvements minor structural alterations such as were proposed in the Cawnpore case have been carried out with the consent and good will of the Mahomedan public without any invocation of ecclesiastical law and with a sole eye to the public good. There are many instances of this which I might mention, in different parts of the province but it is unnecessary to do more than remind you of certain recent examples of what I mean with which you and I are thoroughly familiar, within two miles of where we are sitting to-day. Why has the spirit of the people changed so entirely and why has the arrangement which was acceptable in Lucknow a few months ago become impossible in Cawnpore. Now surely in view of the facts as I have endeavoured to put before you this morning you will agree that the present case has suffered from exaggeration and misunderstanding. I am told that crores of Mahomedan hearts have been wounded. But what is in that that has wounded them? Is it anything that Government has done, or is it not rather the travesty of the Government's acts and motives which has been provided for their consumption? You ask me to allay the growing excitement and heal the wounded feelings of the Moslem community. I will gladly do all that is reasonable and possible in this

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direction, but it is in your power to do infinitely more. It is in your power to contradict the untruths which are being spread abroad, to inform the Moslem community of the true facts and to ask them to place confidence in the good will of Government, which has no thought except for their advancement and welfare.

Two more of those under arrest in connection with the riots were released on the 11th August, leaving 102 still in confinement.

It was believed that the trial of these men would take place in different batches. A large number of Mahomedan Barristers offered their services in connection with the case for the defence.

Police guard had been stationed near the mosque, which was visited by every new arrival. The Tili's temple near the mosque was also carefully guarded by the police.

Mr. H. Moncrieff Smith, I. C. S., would be placed on duty at Cawnpore as Special Magistrate to try the cases of those charged with participating in the riot.

One arrest was made at midnight on the 11th August in Colonelganj. The man was brought to 'hajjat' under a strong escort of armed police.

Among the new arrivals at Cawnpore were Messrs. Mazhar-ul-Haque and Ross Masood from Bankipore, the Hon'ble Syed Abdur Raoof and Dr. Mahmood from Allahabad, Messrs. Mahomed Nasim, Zahoor Ahmed and Syed Shoukat Ali from Lucknow.

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The Hon'ble Mr. Ghulam-Us-Saalaim had given notice of a lengthy resolution, which he would bring forward at the next meeting of the U. P. Council on the subject of the riot at Cawnpore. The resolution would ask for the appointment of a mixed Commission of high officials,—European, Hindu, and Moslem,—to publicly investigate the acts of various bodies and persons concerned in the affair and to inquire into the causes that had led to the serious loss of life and sufferings.

Moulana Abul Kalam Azad Sobhani, Editor of the *Al-Hilal*, sent the following message to the *Bengalee* :

"I called upon the Magistrate of Cawnpore on the 10th August with a request to allow me to visit the Cawnpore Jail to have an interview with those arrested; but he refused permission. I wired to His Honour the Lieutenant Governor of the United Provinces on the 11th August, requesting him either to direct the Magistrate to grant my said prayer or to explain reasons for withholding it. The Magistrate of Cawnpore also did not approve of my stay at Cawnpore."



"The figure which emerges triumphantly from the episode, forensically as well as politically, is that of Mr. Mozharul Hoque" "Pioneer"

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PROCEEDINGS IN COURT

The case was called on August 13, before Mr. H. Williamson, Joint Magistrate of Cawnpore, at 2 p. m. Mr. G. P. Boys, Bar-at-law of Allahabad, instructed by Deputy Superintendent of Police. Mr. Ashgher Abbas, appeared for the Crown. Mr. Mozahrul Haque appeared for the defence, with the following lawers :

From Bankipore.

Dr. Syed Mahmood, PH. D.

Bar-at-Law.

Syed Rass Masood, B.A., (Oxon)

Bar-at-Law.

Mahmud Yunus,

Bar-at-law.

From Aligarh.

Sahebzada Aftab Ahmad Khan,

M. A. (Cantab) Bar-at-Law.

Abdul Majid Khwojah, B.A., (Cantab)

Bar-at-Law.

Tasadduq Ahmad Shairwani, B.A., (Cantab)

Bar-at-Law.

From Lucknow.

Mohamed Nasim, B. A. L. L. B.,

Advocate.

Dr. Naziruddin Hasan, L.L.D.,

Bar-at-Law.

Mohamed Wasim, B.A., L.L.B., (Cantab)

Bar-at-Law.

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Shaikh Shaukat Ali, B.A., L.L.B.,
Vakil.

From Allahabad.

Dr. Shah Mohamed Sulaiman, L.L.D.
Bar-at-Law.

From Barabanki.

Shaikh Nowab Ali, B.A., L.L.B.
Vakil.

Shaikh Vilayat Ali, B.A., L.L.B.,
Vakil.

From Bombay.

M. T. Kaderbhoy,
Bar-at-Law.

From Lahore.

Gulam Mohiuddin,
Vakil.

From Delhi.

Abdul Aziz, B.A., L.L.B.,
Vakil.

Zikrur-Rahman, B.A., L.L.B.,
Vakil.

From Calcutta.

S. M. Shareef, B.A., (Cantab)
Bar-at-Law.

From Cawnpore.

Syed Fazlur Rahman,
Vakil.

Vikramajit Singh, B.A., L.L.B.,
Vakil.

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Giridhar Dass,
Vakil.

Surendra Nath Ganguli,
Vakil.

The court room as also the outside compound was crowded.

Mr. Boys : I ask for a remand of one day in respect of all the accused except Nazar Mahomed Khan, Hafiz Ahmedulla and Abdul Quadir Azad Sobhani. As regards these three accused I want a remand for five days.

Mr. Haque.—I understand that the case against these three gentlemen is not ready. I can't ask to know anything about the case against them ; but I want to know what the case against others is.

Court : They are charged under Section 147 and Section 333 I. P. Code.

Mr. Haque.—These are the only charges ?

Court. Yes.

Mr. Haque : May I know on what special ground a remand of five days is prayed for as regards the three prisoners ? Why this differential treatment ?

Mr. Boys.—Nazar Mahomed was not identified in the jail. He prayed that special arrangement might be made for his identification. The case against them is under Section 124, A (sedition) and Section 153 A (setting class against class) for which sanction has to be obtained from the Government.

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56 Applications praying for bail were refused on the ground that the offences with which the applicants stood charged were non-bailable.

The Magistrate passed orders under Section 344 I. P. C., remanding 124 accused till the next day and under Section 167 remanded the three accused, already named, for five days.

The case came up for hearing the next day at 12 before Mr. H. M. Smith, Special Magistrate, in the hall of the headquarters buildings of the Cawnpore Rifle Volunteers. The prisoners were brought, under mounted police guards and armed constables, in carts. There was gorgeous show of guards making the court look like a besieged place. Crowds thronged the roads leading to the premises. Mr. G. P. Boys, Bar-at-Law, from Allahabad, instructed by Asghur Abhas, Deputy Superintendent of Police, C. I. D., appeared on behalf of the Crown; while on behalf of the accused appeared Mr. Mozharul Haque, with the same lawyers as appeared before the Jt. Magistrate. The Magistrate having taken his seat, Mr. Haque said:—I have just to make an application. We are going to move the Governor-General-in-Council to transfer the case to another Province. The grounds given are based on two things that had happened. One is the speech delivered by His Honour Sir James Meston at Agra. We believe that the speech has materially prejudiced the case. The second point is that we are informed and we believe our information to be true, that under the orders of His Honour certain element of

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evidence has been destroyed which would affect the decision of this case. A new wall has been erected and no trace has been left of the 'demolished part of the mosque. Everything has been removed. I may inform your honour that the memorial is ready, it was drafted in Calcutta and it would be in my possession in a few days' time when some one of us would go and present the memorial to the Viceroy. At this stage I don't want to say anything more on this subject. The application was as follows:—(1) That on the 3rd of August, 1913, an occurrence took place in connection with the Machhli Bazar Mosque situated in the town of Cawnpore. (2) That your honour's petitioners have been made accused in the case arising from the said occurrence. (3) That your honour's petitioners have been credibly informed and believe that His Honour the Lieutenant Governor of U. P. reached Cawnpore some time on the morning of the 7th August and visited the scene of occurrence and made certain enquiries. (4) That your honour's petitioners have been credibly informed and believe that after his return from Cawnpore His Honour the Lieutenant Governor of U. P., was pleased to deliver a speech at Agra on the 6th of August, 1913, containing the following remarks which have been published throughout India:—"I was diverted by the sad and sudden events in your sister city of Cawnpore last Sunday. A breach of public tranquility had taken place of such sharp and exceptional violence that the local authorities were compelled to use for its repression the whole of the force at their command.

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I arrived after the struggle was over but in time to see the deplorable sequels. I saw the wounded and the dying and I heard the wails of the widows and the orphans. I was able to gauge in some measure the entirely needless suffering in which a thoughtless crowd had been involved. I cannot here or now anticipate the findings of the court of justice which will try the case in due course. Consequently it would be improper at present to apportion the blame but I was greatly struck by several things which I saw, as the result of Sunday's troubles. I was struck in the first instance by the woeful results of ignorance and of the fanaticism which grew in that soil. I was struck by the humanity of our officers, by the way in which the police as soon as the riot was repressed devoted themselves wholeheartedly to helping the sufferers, to carrying off the wounded to hospital and to giving them such temporary relief as was possible in the circumstances and also by the manner in which they, headed by the Magistrate and their Superintendent, refrained from all needless acts of vengeance. Even during the arrests which took place during the first half hour after the repression of the riot, utmost care was taken to distinguish between the active participants in the trouble and the innocent on-lookers who too often get involved in the consequences. But more than all, I was impressed by the grave responsibility of those men who were safe but had by their words and their writings inflamed the passion of an ignorant mob and on whom in the eyes alike of God and man rests the guilt of much needless blood and

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pain. It is my prayer that Agra may never suffer so sad a calamity." (5) That your honour's petitioners submit that in the above extracts from his speech, His Honour has been pleased to make pronouncements on some of the most vital and material points in issue in the case which are yet to be decided in a court of law and has thereby most materially prejudged and prejudiced the case against your petitioners. (6) That your honour's petitioners have been credibly informed and believe that at the instance of His Honour the Lieutenant Governor the physical features of the scene of occurrence which would have most materially helped the court in arriving at a correct decision have been completely changed and thus a great deal of most important evidence in the case has been destroyed and lost. (7) That your petitioners apprehend that full justice will not be done to them by the courts of these Provinces which are under the direct subordination of His Honour the Lieutenant Governor. (8) That your petitioners have been advised to submit a memorial to the Governor General-in-Council praying for the transfer of the case to any court outside the United Provinces. (9) That under the circumstances set forth above your honour's petitioners pray that your honour will be pleased to grant them a fortnight's adjournment to enable them to submit the above mentioned memorial to the Governor General-in-Council.

Court:—Why did you not make the application before the District Magistrate?

Mr. Haque.—He is no Court,

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Court :—The date fixed for the case was the 10th, I was called to come on that day and this application ought to have been made earlier.

Mr. Haque :—The accused were not informed of your honour's appointment at all. We have taken the earliest opportunity to make the application. We did not know who were the accused challaned even yesterday. To-day is the earliest opportunity that we had.

Court :—Let me hear what Mr. Boys has to say.

Mr. Boys :—As far as my recollection goes I did not read the speech. I did not think at the time that there was anything of public interest in it (laughter). (Reads speech) His Honour's speech seems to be very carefully worded. I can not see anything in it to prejudice the case. His Honour says there was the riot. Then when the arrest took place care was taken to distinguish between the actual participants in the riot and innocent men. Every one of these men was arrested on the spot. All of those who were arrested subsequently and were not sufficiently identified have been discharged. As regards the removal of some features of the scene of occurrence, the transfer of the case outside the United Provinces will not restore them. I leave it to your honour. I have no instruction on the point. I ask for adjournment for one day.

Court :—You will ask for instruction ?

Mr. Boys ;—Yes, if your honour thinks that it is a case to be adjourned on these grounds. It is not desirable that I should go on if there was any prospect of the memorial succeeding.

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Mr. Haque :—My friend has left out the most important line. (Reads). I say that there are statements in His Honour's speech everyone of which would be contested by us inch by inch in this court. We shall have most strongly to repudiate the pronouncements which His Honour has made and further say that these are the points which materially affect the issue in this case on very important points. His Honour the Lieutenant Governor has pronounced his judgment. (Reads). "The local authorities had to use all the force at their command." It prejudges that it was we who were responsible for the occurrence but we say that it was the police who were responsible for it. We were peaceful people. It was the police who took the law in their own hands. Then His Honour says "the ignorance and fanaticism of the people etc." I most emphatically repudiate on behalf of these Mahomedans of Cawnpore that there was any fanaticism. Such remarks are a great insult to their religion. (Reads). I deny that any humanity was shown at all to the injured persons and it seems very strange for the head of the Government to say that the police could take vengeance. Then His Honour says that care was taken to distinguish between actual participants and the innocent men while making arrests. This pre-supposes that these are the people who took part in the occurrence. What more could His Honour say to prejudice the case? These are the real points at issue. His Honour has pronounced his judgment on these points. I submit, sir, that this is a fit case to go before the Governor-General-in-Council for orders.

THE CAWNPORE MOSQUE

Then, as regards the second point we are instructed to say that Sir James Meston went to the place when the demolished wall was re-erected. It cannot now be seen how everything happened. Where is the platform now which your honour might want to see? The whole scene of occurrence has been changed.

MAGISTRATE'S ORDERS

The Magistrate passed the following orders:—
“Application for orders has been made to me generally on behalf of all the accused for an adjournment of this case on the ground that the accused intend to make an application to the Governor General-in-Council under section 527 Criminal Procedure Code to transfer their case to a court under a High Court other than the High Court of Allahabad. The present application urges that there are two reasons which give the accused grounds for making the application under the section stated. The first is that His Honour the Lieutenant Governor made a speech on the 6th August, at Agra, which has been very widely published. And that in this speech His Honour has made certain pronouncements bearing on the point in issue in this case and thereby prejudiced the case against the accused. The whole of the speech has been inserted in the application. It is stated that the pronouncement—“A breach of public tranquility has taken place of such sharp and violent a nature that the local authorities were compelled to use for its repression the whole force at their command”—prejudges the question

THE CAWNPORE MOSQUE

as to who were the aggressors in the riot referred to. I am unable to agree with this view. There is another sentence—"the humanity of the police." It is denied that the police were humane. I do not see that this has anything to do with the point at issue in this case at all. It is argued that the sentence "care was taken to distinguish between the active participants in the riot and innocent, etc." prejudices that the prisoners now before the court were active participants and not merely on-lookers. Each individual case will have to be taken on its merit in whatever province this case may be tried. I cannot conceive how any court can be influenced by these remarks in the speech made by one who had not been an eye-witness. The second ground on which the accused intend to move the Governor General-in-Council is that certain physical features of the scene of occurrence have been completely changed. Thus some most important and general evidence has been lost. As Mr. Boys, who opposed the application on behalf of the Crown, has pertinently remarked the transfer of this case to the jurisdiction of another High Court will not restore this evidence. Had the present application been one under Section 526 Criminal Procedure Code, I should have no option but to adjourn the case but as the application is under Section 527 by which discretion is vested in the court, I don't think I should be exercising my discretion wisely if I granted adjournment on what appears to me to be very inadequate ground stated in the application. I accordingly disallow the application.

Court :—How many accused are there ?

THE CANNIPORE MOSQUE

Mr. Boys : 124. 70 were arrested in the mosque, actually within the precincts of the mosque. Thirty more men were arrested just outside the mosque, 24 other men were wounded on the spot and taken to hospital. Of these 24 men, 20 have been brought to-day, the other four being unable to attend. These are 120 men before your honour.

Court : What are you going to do with the four men ?

Mr. Boys : If necessary, a substantiative case would be instituted against them. I shall ask your honour to-day to adjourn the case under Section 344 as regards these four men.

Mr. Haque drew the attention of the court to accused Sulaiman and Abdul Samad who were also very badly wounded in the head.

The Magistrate then took down the names, addresses and ages of all the accused.

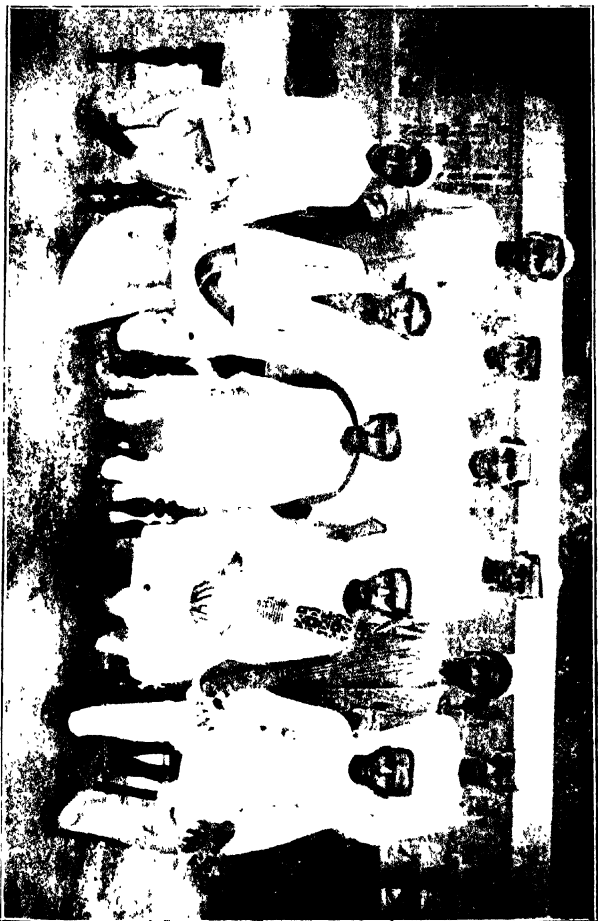
More than 30 prisoners gave their age as below 16. There were also old men of sixty, seventy and eighty.

Mr. Haque :—There is no doubt that there are many boys among the prisoners.

Mr. Boys :—I shall make an application to release the boys. The youngsters were then brought before the Magistrate and as the result 11 boys were let off.

The Court then rose for the day.

The hearing of the case was resumed on the 16th at 11 A. M. All the accused remained hand-cuffed and chained even inside the court room.



Eleven boys released.

THE MACHHLI MOSQUE

PROSECUTION ADDRESS

Mr. Boys in opening the case for the Crown said :—
This case is different from an ordinary riot case. In this case I shall not rely so much upon oral evidence of eye-witnesses which is sometimes unreliable. But I shall rely on the fact that these men were arrested on the spot. I shall give your honour an idea of the evidence in the case and on what line we shall proceed with the case and the facts that would be proved. The incidents previous to the riot are no evidence at all and I may take it that the incidents preceding the riot are matters of common knowledge. There is a mosque commonly known as the Machhli Bazar Mosque of which certain portion of the north-east corner was demolished. With regard to this portion there is probably a difference of opinion as to whether or not it was a material part of the sacred portion of the mosque or whether it was an additional part and could not be regarded as sacred. This portion which would be identified on the map was demolished on July 1st. There were, I believe, meetings on the 1st July and the 23rd July in the Idgah in this connection. There was subsequently a meeting on August 3rd when there was a very large assembly of Mahomedans. That is the day on which the riot took place which I am going to ask you to try. Subsequent to that meeting a very large number of people proceeded to the mosque. On behalf of the police there was Sub-Inspector T. Hosain, who was among the people near the mosque. Whether he was recognised by the people near the mosque was a matter of conjecture. But

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people would tell you that the crowd apparently recognised him and brick-bats of which heaps were lying about on account of the demolished buildings, were thrown at him. He retired to the Gillis Bazar Chowki. He informed the Kotwal of this and reported that people near the mosque were engaged in re-building the portion which had been pulled down. The Kotwal would tell you what he had noticed. He approached the crowd but brick-bats and other missiles were thrown at him and he had to retire to the Gillis Bazar Chowki. There were some 20 or 25 policemen who were there in the ordinary course of duty. He took this force and one spear or two and advanced towards the crowd. He was again driven back. The mob pursued him as far as the Chowki. They entered the Chowki and furniture and other articles were thrown away. Some little time after that, the Collector and the Superintendent of Police arrived with Sowars and armed police. The Collector leaving the force behind advanced towards the mosque himself. He entirely failed to get order restored. He was treated exactly as Hosain and the Kotwal were treated. He retired where the force was and brought the Sowars and the armed police to the front. They were assaulted by the crowd by brick-bats and other missiles. There was every prospect of a very bad state of things. The mob was out of control and he gave the order to fire. The Sowars were ordered to attack the right hand side and the armed police were ordered to fire on the left. The last stand was made by the people in the mosque itself. The mosque was surrounded. The authorities then proceeded to

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arrest those on the spot. Besides the wounded and three or four unforunate men actually dead there were a lot of boys who had no concern in the riot. They were at once released. Seventy more men were arrested inside the mosque itself. A list of these men was made at the time and will be produced in court. Thirty men were arrested just outside the mosque. A list of these men was also made on the spot. As regards the wounded no list was made on the spot because the authorities were anxious to send them to the hospital for treatment. Four or five died and the rest are before you for trial. The arrested persons were first sent to the lock-up and in the evening they were sent to the jail. The striking feature of the case for the Crown is that we shall not rely upon the testimony of the people who would come and say that they saw so and so, etc., but we ask you to rely upon the fact that the men before you were actually arrested on the spot in the thick of the crowd. They had ample time to move away and escape from the trouble. The case for the Crown would take a much shorter time than if we produced identifying witnesses.

Counsel then read out Sections 141, 142, 146 and 147. Proceeding Mr. Boys said: There is another charge which is under Section 333 I. P. C. (Reads). That charge is only triable by the Court of Sessions and we may withdraw that charge with the consent of the court. It is impossible for me to say now whether the Crown will or will not withdraw the charge. It must depend to a certain extent on-

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the line adopted by the defence. It is a matter absolutely discretionary whether the Crown will proceed or not against any definite charge or accused, subject to the consent of the court. If the line of defence does not involve any attempt to justify the injuries inflicted on the police, then the Crown may proceed only under Section 147. But if on the other hand, the line of defence adopted by the accused under the advice of their counsel is that they were justified in their assault committed on the police then, of course, the Crown must take a much more serious view of the case. I only make this statement at an early stage so that there may not be any apprehension as to the line we should adopt. Counsel concluded by dealing with the law that would apply if the charge under Section 333 was not withdrawn and if it was withdrawn.

EXAMINATION OF WITNESSES

Babu Krishna Sahay, pleader, was the first witness called. Examined by Mr. Boys he said:—I live in a road called Holcy Road also the New Road. My house would be about a furlong from the tram car shed. Mine is a three-storeyed house. I occupy the second and the third storeys. I was in my house on the morning of the 3rd August last. I saw some crowd passing along the the road towards the Parade. These people were going towards the tram car shed. The first crowd that had passed was composed of five or six hundred people and the two or three others that followed

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at short intervals, of two or three hundred people. I do not know where the I'dgah is situated. This was about 6 or 7 o'clock in the morning. These crowds were bare-headed and cried *Allillah* and each crowd so far as I remember had a black flag. At about ten, my attention was directed to a great deal of noise coming from towards the tram car shed. Then I came out in the balcony and from there I saw about ten thousand people coming from towards the tram car shed and proceeding towards Muirganj. Some of these people came to the front of the crowd and formed a barrier by stretching out their hands while they stood facing the crowd. I have a dim idea of a dark, big, fat man in the crowd with whom some of these men seemed to be consulting. He had beard and some people stood surrounding him. By dim idea I mean that I had a dim idea of the feature of that man. After three or four minutes' consultation the barrier was removed. Then six or seven persons came forward and one of them with shoes in his hand cried out "*Mussalmano Suar khao Ager doka bandh na kordeo aor hamara sat na chalo.*"

In the meantime, I noticed six or seven Kabulis in the midst of the crowd. The Kabulis had big *lathis* in their hands. As soon as they reached the middle of the crowd they began to beat the ground with their *lathis*. They were jumping about in the middle of the crowd and made more noise than the rest. The crowd then marched more quickly towards Muirganj than when they were proceeding towards the tram car shed.

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When proceeding towards the tram car shed the crowd had been divided into three batches but now it was one huge crowd. They were crying *Allah* all the way.

The witness was then tendered for cross-examination. Mr. Haque declined to cross examine the witness at that stage.

Court :—If it becomes a Sessions case then you will have no further opportunity to cross-examine the witnesses in this court.

Mr. Haque :—The Crown does not know its own mind. My friend ought to tell me what his case is. Whether it is going up to the Sessions, I don't know.

Mr. Boys :—If the charges under Section 333 are not withdrawn this case must be treated as under Section 333 and this enquiry is preparatory to the Sessions trial.

Mr. Haque :—I cannot accept the position that as we do not try to prove that we are innocent of the charge under Section 333 the Crown will withdraw the charge and proceed with the charge under Section 147.

Mr. Boys :—If it comes under Section 208 then my friend is bound to cross-examine the witness otherwise not. Quite recently our High Court came down upon a Deputy Magistrate for defect in this procedure.

Mr. Haque :—In all such cases they all postpone the cross examination for the Sessions Court. I am not prepared to cross-examine the witnesses now. This much I must say that we shall take the fullest advantage that the law allows and we shall try our best, sir, to proceed as coolly as possible.

Court :—That is placing Mr. Boys in a clever fix.

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He would examine all the witnesses and then you would ask me to recall them.

Mr. Boys :—My friend takes the position very much ahead.

Court :—I take it that you don't cross-examine the witnesses before the case comes to the Sessions.

Mr. Haque :—I want to know what is at the back of the case for the Crown.

Court : It is for you to consider that. I take it that you reserve cross-examination for the Sessions Court.

Mr. Haque : Yes. I am quite willing to help the Court in any way I can, but I decline to help my friend (laughter).

Court :—I only point out what the possible effect would be.

Mr. Haque :—I quite realise that.

Mani Rahaman Khan, City Inspector of Cawnpore, being examined said : I knew there was a meeting on the 3rd of August at the Idgah. The Idgah is about one mile from the Machhli Bazar Mosque. Two or three days before the 3rd August notices were distributed about the meeting. I was in the Colonelganj thana at about 6 or 7 P.M. The thana was $1\frac{1}{2}$ furlongs from the Idgah. I had no police in uniform in the Idgah. There were policemen in plain clothes and shorthand reporters. There were two meetings in the Idgah in connection with the mosque, on the evening of the 1st July and on the morning of the 23rd July. After the meeting of the 1st July, no procession went to the mosque nor was there

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any ill-feeling or disturbance. The same remark applies to the meeting on July 23rd. After the meeting a large number of people came out of the I'dgah in one body to the Mosque on the 3rd August.

Mr. Haque said that witness had stated that people said "let us go to the mosque and pray there."

Being asked by court witness said that that was the information he had received.

Witness then continued.—I went to the Gillis Bazar Chowki. The crowd separated from near the Parade Cross Road. The Gillis Bazar Chowki is about 250 paces from the mosque. It is visible from the Chowki. After a few minutes I saw a crowd of six or seven hundred men near and inside the mosque. They hoisted a black flag and made a noise. I asked Sub-Inspector Hossain to see what was going on there. He went towards the mosque. When he was about 25 paces from the mosque I saw that brick-bats were thrown at him. I started with Abdul Wahib S^r I and 15 or 16 constables. Tasadduq Hossain met me half way. Hossain said that the crowd was re-building the mosque and stated what I had seen myself. I sent him to the S. P. I went ahead in the direction of the mosque. In the meantime seven or eight thousand people had gathered there and some more were coming. When I came about 30 paces from the mosque, they began to throw brick-bats at me. Some people were engaged in re-building the mosque and some of them were carrying bricks to the mosque. There was a loud noise and I made signs to the crowd to stop. But more brick-bats were thrown

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at me. When I found that any attempt to stop them was unavailing, I returned to the Choyki and sent for my spears. As I retreated I saw the D. S. P. arrive. He went away. When I proceeded towards the crowd with my spear people on the top of the mosque and those standing near it waved their hands and shouted *Maro Maro*. More brick-bats were thrown at me. I was driven back to the Chowki. Some people entered the Chowki and damaged the articles therein. Soon after this, the Magistrate and the S. P. arrived with police Sowars and Constables. Leaving the police force behind, the Magistrate proceeded towards the mosque. The crowd began to throw bricks at him. I saw the Magistrate moving his hand, asking the crowd to stop. As the crowd was in no mood to listen to him, the Magistrate made signs for the police force to come forward. When the police force came to the front the crowd began to throw bricks at them. Some of the Sowars and constables and myself were hurt. Then order was given by the Magistrate to fire. The Sowars attacked on the right and the constables on the left. Bricks were still being thrown. With some shooting on the left and charge of the Sowars on the right the crowd was driven back and we surrounded the mosque. There were about 125 armed policemen and 15 or 16 Sowars. We closed the south-west door of the mosque. Seventy men, forty boys and two dead bodies and three wounded persons were seized inside. Two flags, one spear, two turbans, two spades and many bamboo *lathis* were also found there. Thirty men

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were arrested outside the mosque. The wounded and the dead bodies were lying about but others had fled. The wounded were sent to the hospital. The names of those wounded were not taken down at the time as they were sent at once to the hospital. The names of those arrested inside and outside the mosque were taken down and lists prepared. A list was also prepared by Isfaqulla of all the articles that had been seized inside the mosque. All the arrested persons were sent together to the police station in charge of Sub-Inspector Abdul Ghani. Twenty-seven men who were arrested from some houses and while running were kept separately. They were ordered to be released. Forty men were wounded in the scuffle including Sowars, constables and Mahomedans. Of these men four received severe injuries. It was the first time I knew that they were going to the Mosque when they left the Pdgah. The Mosque is in the Kotwali section.

Cross-examination was reserved.

At this stage the Court rose for lunch.

After lunch Mr. G. W. McDonnell, Assistant Engineer, Cawnpore, being examined said : - This is the map of the site of the Machhli Bazar Mosque. (Identifies) It contains the A. B. Road which is the new road which has been made as a part of the Improvement Scheme. The Machhli Bazar Mosque is also shown on the map (Shows). Witness points out the Gillis Bazar Chowki. The map was prepared under my supervision and I have satisfied myself that it was correct. I was in charge of the new A. B. Road.

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Witness pointed out the portion appertaining to the mosque which had been demolished. It was marked by a dotted line.

Tasaduq Hossain, Sub-inspector of Police, Kotwali, examined said :—I was at the Gillis Bazar Chowki on the morning of the 3rd August. The Kotwal came to the Chowki after 9 a. m. Three or four minutes after men appeared on the mosque. There were about 5 or 6 hundred people. The Kotwal asked me to go there in plain clothes and see what was going on. I went about twenty-five paces from the mosque when bricks were thrown at me. I then returned to the Chowki and told the Kotwal that bricks were being taken to the mosque and that some bricks were thrown at me. They were taking the bricks to the mosque and piling those bricks. The Kotwal asked me to inform the Superintendent of Police all about this. I came back to the Chowki with the guard. The guard stood on the road near the Chowki. The Magistrate and the Superintendent of Police were in the Chowki. The former went ahead and held out his hand to the crowd and made some signs to the crowd. I did not hear what he said. Bricks were thrown at the Magistrate. The Magistrate then called the S. P. and the guards. I remained back but I could see what was going on. Order was given to fire to disperse the crowd. After all was over, I was asked to prepare a list of those who were arrested inside the mosque. Seventy men and forty boys were inside the mosque. They were brought out in two batches. (Identifies the list). The st is in my hand writing and bears my signature. The

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list was prepared in the mosque and at the time. Four witnesses also signed the list. I remember the names of two of them. I don't remember the two others. These men were Babu Ram, Mangloo Sitaram Giridharilal. A constable brought them to the mosque. As each man was taken out his name was taken down and he was tied with a rope. The witnesses had been called before I prepared the list. The list was prepared in the presence of the witnesses. The wounded men were sent to the hospital under order of the Magistrate in charge of Abdul Ghani. I was asked to prepare a list of the wounded in the hospital, to attend to the wounded and to see that the dead bodies were buried.

Sub-Inspector Abdul Ghani being examined said : I was at the Kotwali on the morning of the 3rd of August. I went to the Gillis Bazar Chowki at 10 a. m. I went alone. I went there because I heard that there was a row. I was in uniform. From the direction of Muirganj I went towards the mosque. I heard the report of guns and saw a large crowd. Some people were surrounded by the police in front of the mosque. I was one of those who surrounded these people. About thirty men were arrested outside the mosque. The D. S. P. ordered me to make a list of the persons arrested outside the mosque. The D. S. P. was there. I prepared the list. (Identifies). The list contains thirty names. It is in my handwriting and bears my signature. I took charge of 171 persons who were arrested to be taken to the lock-up. These people were then taken to the jail by me and other officers under orders of the Joint Magistrate and handed over to the Jailor.

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The Court then rose for the day at 3 P. M.

The case was taken up at 11 A. M. on the 18th. Counsel for the Crown applied for 'another ten days' remand in the case of Nazar Mahommad Khan, who had been arrested very late and regarding whose identification special care would have to be taken as there was no other Kabulis in the jail. The court granted a remand for ten days and ordered that Nazar Mahommad Khan should be informed that he should make arrangements for his proper identification by getting other Kabulis in the jail so that he might mix with them at the time of identification. In the case of two other accused, Hafiz Ahmed Ullah and Abdul Qadir Azad Subhani the Crown also wanted an adjournment as the District Magistrate had applied for sanction under section 196 Criminal Procedure Code for the prosecution of these men under Sections 124A and 153A. Mr. Haque on behalf of the accused objected to a remand and said that the speeches were made on the 3rd August and the Crown had ample time to get the sanction.

The case against these men was, however, adjourned till the 1st of September.

Evidence of other witnesses was then recorded.

Girdhari, son of Babu Mal, shopkeeper, Chowk, was then called. He deposed that he was present in his shop on the morning of the 3rd August. He could not see the mosque from his shop which was 200 to 250 paces from the mosque. He was taken to the mosque by a police constable and was informed that there were men under arrest inside the mosque. Witness was not

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allowed to go inside. A Sub-Inspector was writing the names of those inside the mosque. Witness stood outside on the partially demolished wall of the mosque. He signed a list of seventy men who were arrested inside the mosque. Two other lists were prepared, one of thirty persons arrested outside and one of the properties found.

Sitaram, goldsmith, was the next witness. He stated that he worked in a Sarafa which was fifty to hundred paces from the mosque. A constable took witness to the mosque and he stopped on the pile of bricks near the mosque. He gave evidence similar to that of Girdhari, previous witness, regarding the preparation of lists of those arrested inside and outside the mosque and of the property found there. He signed all the three lists.

The next witness for the prosecution was Karamat Shah, son of Allah Bux, a beggar by profession. He stated that he had gone to the Idgah on the morning of the day of the riot as everybody else was going there. He returned with others up to Muirganj and then went away to his house. Witness with his son Nizamuddin ran away from Joota Bazar. There were thousands of men between Muirganj and the mosque from one end to the other. He saw from a distance that brick-bats were thrown and then he ran away.

Witness was asked if he knew anything about the flags. He answered that he did not know who made the flags but he saw some and carried one in his hands for some distance. His replies to other questions on this point

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were considered to be confused. Continuing witness said that he saw some seven flags and added that men were going to the mosque to re-build it.

When asked where it was that he first came to know of the intention to re-build the mosque witness replied that he did not know if the mosque was to be re-built.

The court made a note with regard to the testimony of this witness that he gave evidence with great hesitation and repeated several times that he was a poor man.

The next witness was Cheda Lal, son of Ajodhia Pershad, shop-keeper, Maida Bazar, and a resident in the Gillis Bazar Ram Temple which was a two storeyed house. Witness said that he went on the day of rioting to the Idgah where a meeting was being held. He was at a distance and therefore could not hear the speakers. There were some fifteen thousand men at the Idgah. Some men were saying that the mosque would be forcibly re-built and some said that even the bazar was not safe. The meeting closed in his presence. Four flags were carried in the procession. Witness went ahead and told the people in Sarafa or Chandi Bazar to close shops for a while as a crowd was coming and there was a fear of loot. Witness also sent a boy on a bicycle from the Parade to Chandi Bazar. Some men closed their shops at his request and some at the request of the police.

Witness then went to the Tili's temple and from there to his house. From his house witness could see both the Gillis Bazar Chowki and the mosque. He was in the top storey. He saw about a thousand men. Some were re-building the mosque, some were throwing stones at

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the Tili's temple and some were attacking the policemen. First the Kotwal came and reasoned with these men. The Kotwal after receiving stones went back and came with his men who carried bayonets. After several minutes the Kotwal went back towards the Collector's bungalow and the rioters came up to the Chowki, destroyed things, burnt pugrees and broke the spears. There were some Kabulis who were making great noise and were very rowdy. The Collector with Sowars, police officers and men came to the scene after 10 or 12 minutes. He rode alone towards the crowd, waived his hands asking them to stop, but after being hit with bricks he rode back and called up the armed police men and the Sowars. Bricks continued to be thrown. Then blank cartridges were fired at which the rioters bolted but as no one was injured they came back again. Then fire was opened and when the people saw men falling, they began to run away. When the men were running away the mounted police charged them and arrested several rioters.

After lunch the two police Sub-Inspectors who had already given their evidence were recalled and questioned regarding the preparation of the lists of those who had been arrested and sent to the lock-up. Sub-Inspector Tasadduq Hossain identified the list of forty boys arrested inside the mosque. This list was prepared by him and bore his signature. Sub-Inspector Abdul Ghani detailed how he took 171 prisoners who were brought in different batches and were sent to the lock-up and later on to the jail under his custody.

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The hearing was resumed at 10-30 A.M. on the 19th. Before the proceedings began, Mr. Haque said :— I want to know if the Crown will drop the case under Section 333. If it does not, then the case will go before the Sessions Court and we shall have plenty of time to prepare for cross-examination. But if on the other hand the case under Section 333 is dropped and the Crown proceeds with the case under Section 147, then we shall have to proceed with the cross-examination of witnesses. I do not know what is the procedure here, but in the place where I come from time is allowed for cross-examination. I have not as yet got copies of all the depositions. I want to know what course the Crown will take, so that I may apply for time if necessary. If your honour wants me to proceed at once with cross-examination there would be some difficulty. I want to be very clear as I want to help the court as much as possible. I want certain advice from other places.

Court : If the charge under Section 333 is not withdrawn, then you will cross-examine the witnesses in the Sessions Court. But if it is, then when do you cross-examine the witnesses ?

Mr. Haque : I don't want to cross-examine before the charge is framed.

Court : I presume all the accused will make their statements.

Mr. Haque : Yes. Then I shall pray for time. A counsel will come from Calcutta and we shall have to prepare him.

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Court: If the charge under Section 333 is not withdrawn then there is no necessity for time at all.

Mr. Haque: No. We should like to have some idea as to what the attitude of the Crown is.

Mr. Boys: I explained the attitude very clearly. If the defence forces us to proceed under Section 333 we shall do so. My friend must take that responsibility.

Mr. Haque: I take no responsibility at all.

Mr. Dodd, Superintendent of Police, was then examined by Mr. Boys.

On the 3rd of August you were stationed at Cawnpore as S. P.—Yes.

Were you aware on the morning of the 3rd August before the meeting took place that there would be a meeting at the I'dgah?—Yes. I knew that from before the 3rd August.

When did you first receive information that there would be a meeting on the 3rd August?—I think it was on the previous Friday. I am not certain about that.

Were you aware that there had been previous meetings in the I'dgah regarding the mosque?—Yes.

Do you know the dates of those meetings?—One was on the 1st of July and the other on the 23rd.

Are you aware whether either of those meetings was followed by any procession to the mosque?—I was not in Cawnpore on the 1st. So far as I know there was no disturbance nor any procession to the mosque on the 23rd July.

There was no disturbance elsewhere in Cawnpore in connection with those meetings?—No.

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From the time that you heard about the proposed meeting till the time you heard that trouble was going on, had you any information or did you think that there would be trouble?—No. I would qualify that by saying that while the meeting was going on, I was asked by the Kotwal on the telephone to tell the Sub-Inspectors to be in readiness in case of any trouble. I told them something to that effect.

Did you keep any record of this message?—No.

Will you tell me what was the day of the week on which this meeting took place at the I'dgah?—It was Sunday.

On what day of the week you have inspection of the Police line?—On Monday.

On what day preparations are made for cleansing operation?—On Sunday.

What is the nature of this work?—It involves the taking out the guns in pieces and cleansing them. It struck me on Sunday morning (3rd August) that it would take an extremely long time to take arms for the armed police in case of emergency. Secondly, on Sunday morning there was no duty and many men went out on short leave. In consequence of this I ordered a parade to test in what time the men could turn up. I wrote a slip to the Reserve Inspector and went down to the parade.

You have spoken that you had received telephone message, was it before or after this?—I spoke several times on the telephone that morning. I can not be positive whether it was before or after I had gone out to the Line

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that I received that message from the Kotwal on the telephone.

Can you tell us whether you are certain that you gave the order before you received the message?—Yes I am positive that I had given the order for parade before I received the message from the Kotwal.

Can you tell us about what time you went out to the Line?—It was 7 or 7-30 a. m.

Was there any parade?—Oh yes.

Can you give us an idea how long the parade took?—It was not an ordinary parade. • It was only to test how long it took for them to turn up. I was there about an hour.

When did you receive the other messages from the Kotwal?—Before I went out to the Line as also after my return to my house. I also received one message at the Line.

How far is your house from the Line?—It is about 300 or 400 yards. After I received the message I gave orders to the men to be in readiness in the Line. I went back to my house and then took some of the files and went to the District Magistrate to discuss some matters with him.

Were these files in connection with the mosque—No, they were entirely different.

So far as your recollection serves you was it the other matter or the trouble you expected that took you to the Magistrate? I think what I had heard from the Kotwal—

Either of these two would take you to the Magistrate?—Yes.

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Can you tell us when did you learn from the Kotwal that the crowd was going to the mosque?—When the meeting was yet going on I had one message that it was being proposed or rather the people were being induced that after the meeting they would proceed to the mosque. It was not a proposition before the meeting. The actual words were that certain people from among the crowd in the outskirts, outside the I'dgah, were inducing them to go to the mosque.

Mr. Haque :—I take it this is not evidence of the truth of the information.

Mr. Boys?—No.

Did you find the Magistrate in?—Yes.

Mr. Haque :—I submit your honour will take a note of my remark that it won't be evidence of the truth of the statement.

Mr. Boys :—That is elementary rule of evidence.

Mr. Haque :—Yes. I know that.

Mr. Boys (to witness) did you tell him anything?—Yes I told him all that I had heard from the Kotwal.

Mr. Dodd continuing said :—Before I went to the Collector I had heard that the procession had started. We were in the District Magistrate's room for a considerable time, when a Sub-Inspector came and gave us certain information. We received another report—we received two or three reports.

They were in connection with the procession?—Yes.

What did you do on receipt of the last information?—I sent for the Kotwal. Eventually he came to the Collector's house.

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What do you mean by eventually?—Other people had arrived before him. We had got the information before he arrived.

What did you do?—We went to the scene of the riot. We both telephoned and sent a man to the armed police to wait in readiness at the Allahabad Bank.

The Bank is between the Line and the Gillis Bazar Chowki?—Yes. We met them near the cutchery. The Sowars were ahead of the armed police. We saw them both near the court.

Were the armed police marching?—They were in column and doubling.

How many armed police and how many Sowars?—I had been told there were 16 Sowars and 120 armed police. I did not count them. We continued up to the Chowki followed by the Sowars and the armed police who doubled

You found the mob there?—Yes, the mob was on the new road very near to the Chowki.

What did you do?—The District Magistrate went forward to speak to them. I stopped the police and started to ride forward with him, but we were set back by brick-bats. He then went up to the crowd held up his hand and said something to the crowd. I don't know what he said. All the time that he stood there bricks were hurled at him. There was a very fine supply of ammunition there by the demolished houses.

How far were you from the D. M.?—He was about 30 paces in front of me. At that time the Sowars were a few paces behind me and the armed police were

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also following slowly. Brick-bats were thrown at the District Magistrate. Some of them were hurled at me and the police. I think the District Magistrate stood there for a minute, then he came round and beckoned me with his hand to come. We were both mounted. I could not hear his words, the din was deafening. I gathered from his action that he obviously wanted me to come up. I went up towards him and he came towards me. As I was coming forward we met about 30 paces from the Gillis Bazar Chowki towards the mosque.

When the Magistrate was returning did the stone throwing cease?—No, it became worse than ever.

What happened?—Then the D. M. gave the order to fire. The Sowars came up on the right and the armed police on the left.

Did you order to fire?—No. I turned round to put the police in file to fire. The District Magistrate shouted—he yelled at me and said “fire” or word to that effect. Some constables quite close to me having heard the Magistrate give the order to fire immediately fired in the air. Several others followed and the firing was mostly high having no effect whatever.

Was this fire with blank?—No.

Had they any blanks with them?—No.

Is it in accordance with or contrary to regulations to have blanks?—It is contrary to regulations to have blanks. The crowd increased and showered bricks. A certain number of the mob got among the police men with *lathis* and my men were driven back. I tried to get

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the men in order again. The only thing that saved the situation was the charge. There was firing here and there all the time. I went to the Sowars who got on the right flank and charged. These Sowars had swords.

Did they charge with drawn swords?—Yes.

What happened to the armed police?—I don't know because I went to charge the mob on the right by the Sowars. We carried the charge part of the way. We did not go to the mosque at first. But the effect of the charge was that the mob on the right dispersed. I could not see what was happening to the armed police. There was a number of people on the slope where the *dalan* was demolished. A large number of people were there and the Sowars received a check. There was a large quantity of bricks there. About this time the armed police came up as also the rest of the Sowars who were left behind and could not come up and the mob was dispersed.

What was the first injury that you noticed?—I noticed men smashing under bricks. I got several knocks of bricks when I was coming to the Collector before he had give the order to fire.

When everything quieted down what did you do?—The first thing I did when the mob dispersed was to give order to cease fire.

What part did you take then?—My first attempt was to see that there was no further disturbance.

Nazir Ahmed, constable No. 709, being examined said : I was in the Muirganj Chowki on the morning of the 3rd of August. The Chowki is about 1,000 paces

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from the mosque. Myself and 13 or 14 other constables were coming towards the mosque. A Head Constable from the Gillis Bazar Chowki went up to us and said that we were called by the Kotwal and that there was a *mar pit*. We were proceeding towards the Gillis Bazar Chowki. We came up to Machhli Bazar Road and then near the mosque. We saw brick-bats being thrown from the mosque. Brick-bats were thrown at me also and I fell down being struck by bricks. I was about 30 paces from the mosque. I was hurt in the nose.

Mr. Tyler, District Magistrate was next examined. You were the District Magistrate of Cawnpore on August 3rd?—Yes, I was.

When you first learnt that there would be a meeting at the I'dgah on the 3rd?—I learnt it on Saturday or Friday before that Sunday.

Did you hear at all about the flags?—The Sadar Tahsildar told me about the flags. He was waiting for me at my bungalow. My information was that there were various flags in the different processions.

Were you aware that there had been meetings previously in the I'dgah?—I remember of two other meetings—one on the evening of the day when the portion of the mosque was demolished and the other on the morning of the 23rd July.

Was there any trouble after those meetings?—None whatsoever.

When did you first hear that the mob would go from the I'dgah to the mosque?—I heard that from Mr. Dodd.

Prior to that you had no idea that there would be

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any trouble near the mosque?—None whatever. From the fact that the mob was going to the mosque it did not strike me at the time that there would be any trouble near the mosque.

During that morning you got several reports?—Yes, I had several reports.

Did you see the Kotwal that morning?—As far as I remember I saw him when I started to go to the mosque.

Did he give any account of what had happened?—He told me that he had been assaulted and his body had been in several places bruised.

What action did you take?—I asked Mr. Dodd to telephone to the armed police to meet us on the way and we started together. We met the police near the catchery and they came along at a double pace behind us. When we got between the Gillis Bazar Chowki and the Dufferin Hospital, I turned round and asked Mr. Dodd to halt his men. There was a very large crowd, thickest near the mosque and thinner outside and there were also people on the top of houses. I rode along alone towards the mosque in the hope of coming into touch with and having control over the mob. When I got some way brick-bats were thrown at me. There was a prominent figure with grey beard and bald head. I thought he might do something to check the assailants. I called him to stop them. But what he said was to excite them. Seeing that there was no chance, I beckoned to Mr. Dodd to come up with his policemen thinking that the mob might be more sensible. But they

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began to throw brick-bats at the police. I called on Mr. Dodd to give order to fire. Firing commenced and I noticed it was ineffective. I looked round to see the reason why. I saw the men taking their carbines and firing without aim. I asked Mr. Dodd to tell his men to lower. Mr. Dodd called the Sowars to charge. They did not obey. Mr. Dodd and the Kotwal then went to the Sowars and they charged. I think they had 8 Sowars with them. The charge on the right and the intermittent firing which was going on on the left side had the effect of checking the mob. A number of individuals still came in and I saw some of them actually assaulting the police men at the time.

The police were then led forward. I saw a policeman assaulting a person lying on the ground. I stopped him from doing anything of that sort. I asked them to take all the wounded and arrested to the Gillis Bazar Chowki and as soon as I saw that my order was being obeyed I went up to the mosque. As I was going towards the mosque I saw bricks being thrown from inside the mosque. As far as I recollect the bricks ceased to be thrown when I got up to the mosque. A little firing was still going on by the police who spread up in the open ground. This we stopped at once.

Have you any recollection of when you first saw injuries on the police? -I saw the Reserve Inspector being struck with a *lathi*. I was very close to Mr. Dodd when I gave the order to fire. Up to the time when the police began to fire at random and were driven back to the road I saw none of the crowd fall.

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Where was it that they made the last stand?—At the mosque.

What did you do after they were dispersed?—I went straight towards Muirganj, Mr. Dodd going to the mosque to see if there was anymore brick-throwing or any disturbances. I also asked the Kotwal and a Sub-Inspector to see if they could bring up any Mahomedans, so that I might make arrangement for future peace. I was told that a number of men assembled in the mosque. I gave the order that they should be arrested. I also gave the order not to arrest anyone except those who were on the spot and actually participating in the riot. I also asked the police when they brought a man as to when and under what circumstances they arrested him. The police also arrested about 25 men on the road immediately to the east of the scene of the riot. I ordered them to be released except one who had a nasty weapon in his hand. He had a blade tied on to a bamboo. This man was prosecuted under the Arms Act and got seven days' imprisonment.

You are familiar with the site of the mosque?—Yes.

When was a portion of it demolished?—On the 1st of July.

Did you find it in the same condition after the riot?—No there were loose bricks piled.

How high?—4 or 5 feet from the ground.

When the court reassembled after lunch Genda Singh Jailor, was examined. He said :—I was Jailor of Cawnpore on the 3rd of August and so I am now. I have brought the Register of the jail. I made a list of the

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persons who were admitted to the jail on the 3rd August, as prisoners in this case. The second list contains the names of those who were discharged. (Identifies the list). These lists are signed by me and they are correct.

Talab Sing examined said :—I am mounted constable No. 4. I went to the mosque with the Superintendent of Police and other Sowars on the day of occurrence. Near the Gillis Bazar Chowki we were ordered by the Magistrate to halt. The Magistrate went 25 paces ahead and held up his hand to the crowd. They began to throw brick-bats. The Magistrate then came back to the armed police and gave them the order to fire. The S. P. came up to us and ordered us to charge the mob. A Mahomedan gave me a blow with his *lathi*. After the mob dispersed, I went to hospital. The bone of my right hand was broken by the *latni* blow.

The Court then rose for the day.

On the 20th the statements of the accused were taken down by the Magistrate. A very heated discussion took place between the Magistrate and Mr. Haque with regard to the method of questioning the accused by the court. After the first of the batch of accused who had been, according to the prosecution, arrested inside the mosque, was examined by the Magistrate, Mr. Haque objected to the way in which the court put questions to the accused. He said that under Section 342 Cr. P. C. the court might question the accused for the purpose of enabling the accused to explain any circumstances appearing in the evidence against him and not to supplement the evidence against him.

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Court : Will you point out one from among the questions, I had put to the accused to which you object ?

Mr. Haque : I say with great respect that there are some questions.

Court : Will you find out one ?

Mr. Haque : Take for instance the question about whether he was one of the batch who had attended the meeting at the I'dgah and come to the mosque to re-build the mosque. Your honour can ask questions about that if there was evidence to that effect against this particular accused.

Court : I have to find out if there was any common object, whether they intended to re-build the *dalan* of the mosque. It is very material to find out whether he took part in the meeting at the I'dgah which, according to the last accused, was held in connection with the *dalan* of the mosque.

Mr. Haque : The common object of the accused should be found out from the evidence of the prosecution and not by questioning the accused in this way.

Court : He said that the meeting was about the *dalan* of the mosque.

Mr. Haque : There is no evidence on the record to show what part this man or that man took and I submit these questions cannot be asked to the accused.

Court : The last accused says there was a meeting at the I'dghah with regard to the *dalan*. Do you say that I can not get that from the accused ?

Mr. Haque : I should not have any objection to any

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question being put to the accused if there was evidence against individual accused.

Court : You are quite right in saying that there is no evidence against any particular man but there is evidence that a meeting was held and I can question on that.

Mr. Haque : The court can question the accused to explain any circumstances appearing in the evidence against him. I am sure your honour is questioning the accused under Section 342 Cr. P. C.

Court : Yes, but I can question him generally.

Mr. Haque : But there must be evidence against the accused. Suppose the prosecution has not given evidence on a particular point, I submit that the accused can not be asked any questions by the court to fill that gap.

Court : Am I not entitled to ask him anything about the meeting at the I'dgah ? The prosecution says that there was a meeting at the I'dgah and the meeting was about the *dalan* of the mosque and generally speaking people in the I'dgah went in a procession to the mosque.

Mr. Haque : If there was evidence against this man that he was in the I'dgah, took part in the procession and came along with the procession then you could ask these questions, otherwise not.

Court : It would be impossible to prove where each of the accused was on that morning.

Mr. Haque : However, that is my submission. Your honour may go on as you please.

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In the course of examining the second accused the Magistrate asked why he had gone to the I'dgah. The accused said that he had gone there as he thought that there might be a prayer for rain or prevention of plague.

Court : You went for that purpose ?

Mr. Haque objected to the Magistrate thus repeating the question which had already been answered. Counsel submitted that the question and answer both might be taken down.

Court : Suppose the accused does not understand a question and I have to explain it in six different questions. Do you want me to take down all six questions? This is preposterous, this is ludicrous.

Mr. Haque objected to another repetition by the Magistrate.

The Magistrate said in an angry tone that he did not repeat any questions, he only tried to get the rest of the accused's answer.

Mr. Haque : I don't want to immitate your honour's tone of voice, but I am here to do my duty and I still object to this procedure.

The Magistrate in the course of his next question asked Mr. Haque if he objected to it. If counsel did not object he was inconsistent.

Mr. Haque : I say again that I don't want to immitate your honour's language. I am not accustomed to it. It s better not to open my lips in your honour's court—I have been preposterous, ludicrous and inconsistent.

After lunch captain Simpson, Civil Surgeon, who was

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posted in Cawnpore in first week of August but was at present stationed in Lucknow was examined and deposed to having been informed by telephone that he was wanted at Prince of Wales Hospital. He went there on the 3rd August at 11 a.m. When he reached the hospital there were ten policemen in the ward and four or five other men and others were being brought. One wing of the hospital was emptied and reserved for those injured in the riot both policemen and rioters. On the first day the only list made out was that of the injuries received by the dead or who died in the hospital on the 3rd August. The rest of the injured were simply treated. The proper list of injuries received by those in the hospital was made next day. His Honour the Lieutenant-Governor visited the hospital on the morning of the 4th August. Witness then read out from his enquiry report extracts relating to the injuries of various persons including the accused. Some of the accused were brought and their injuries pointed out by witness. The court rose for the day after 4 p. m.

Mr. Austin Kendall, Sessions Judge, Cawnpore, disposed of the applications for bail on that day made on behalf of Abdul Kader Azad Subhani and Hafiz Ahmedulla, two prominent members of the Moslem community, who were arrested on the 3rd August. On that date the police applied for a day's remand and again on the 13th August a remand for five days was obtained on the ground that the accused would be charged under Sections 124A and 153A of the I. P. C. and the sanction of the Government

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was necessary for these charges. On the 18th August the Crown applied for another remand which was granted in spite of opposition on the part of the counsel for the accused.

Mr. A. M. Khawaja (Aligarh), who appeared on behalf of the accused, urged that the last order of remand was illegal and that the accused had been in custody for a long time without anything being brought against them. They were respectable men and there was no fear of their absconding.

The Government Pleader, Pandit Sri Kishen, opposed the application on behalf of the Crown.

The court in passing orders said that it was obvious that when Government had to sanction a prosecution it could only grant sanction after due consideration and it was in the interest not only of Government but also of all honest and well-meaning agitation that it should be recognised that Government ought not to be hurried in arriving at a decision on such an important point. The question was a delicate one, whether certain spoken words or certain action did or did not exceed the bounds of honest criticism. The local authorities seemed to have taken some time in preparing the report which would go to the Government and for this very reason it might be anticipated that the Local Government would not require so much time as they otherwise might in coming to a conclusion.

The applications for bail were, therefore, rejected but the court noted that if Government orders were not received by the 1st September sanctioning a prosecution

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the court shall be prepared to consider favourably another application in the matter. It was also pointed out that having regard to Section 244 of the Criminal Procedure Code the postponement granted was not illegal. Consideration for application for bail on behalf of Safakat Ullah, son of Rahamat Ullah, one of the accused in the riot case, was postponed.

The statement of accused were also recorded on the 21st. The following statements may be taken as typical.

Abdul Hossan :—I am the Imam of the Machli Bazar Mosque. I did not take part in the riot. I was inside the mosque where I was arrested. I never went out of the mosque. I attended the I'dgah meeting but did not come to the mosque with the crowd. The crowd had come away then or left the I'dgah. When I arrived near the mosque people were being dispersed and the police were charging. I heard reports of guns. I entered my *hujra*. I did not know at the I'dgah that the crowds would come to the mosque to rebuild it. The I'dgah meeting was about the mosque.

Golam Hyder :—I did not take part in the riot. I was arrested inside the mosque. I did not go to the meeting. I was at home. I heard at home that people had been flying and guns had been fired at them near the mosque. I did not hear the report myself. I went in search of Abdul Hassan, my younger brother who was Imam of the mosque near Machlibazar. I met two constables but they did not interfere with me. I thought all was peaceful and went to the mosque. I found

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there many people in the custody of the police. No sooner I entered the mosque than I was arrested. We started at once and I did not see any one being arrested after me. The police did not surround the mosque.

Khubda Khan :—I am a servant of the mosque. I live in the mosque. I did not take part in the riot on the 3rd August. I was arrested inside the mosque. I was in my *hujra* at the time of the disturbances. I came to the mosque before the riot to cut stones, (Istinja). I heard that the police had come to make arrests. I went to my *hujra* put up the chain and sat there. I heard reports of guns. The constables came and knocked at the door. The police caught hold of me and tied me inside the mosque.

Abdul Majid :—I was not in the riot. I was going to Coolie Bazar from my house. I was caught on the road and brought to the mosque. My name was written inside the mosque.

Abdul Wadood :—I was not in the riot. I was not arrested in the mosque. I was going to attend my office from home. At about 12 noon people under arrest were being taken. I stood near the Gillis Bazar Chowki to see them. Two constables came up and arrested me there. One sepoy took down my name there. I was taken from the Lines to the Hawalat. There also my name was taken down.

Rahim Bux :—I had come to Cawnpore on the 23rd July. I have got a shop here. I came to Cawnpore from my house at Shikohabad. I was not in the riot. I had gone to the I'dgah. On my way back from the

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I'dgah I was going to Muirganj to a Bania's shop to make purchases. I saw there a lot of people going towards the mosque. I also followed them to see the fun. When I came near the mosque I heard guns being fired. I became frightened and was looking for my way to escape. The door of the mosque was open and I entered it. There I was caught and tied with a rope. I went to the I'dgah along with many other people. People go to the I'dgah very often to pray for rain, for the prevention of plague etc. I thought there would be a prayer there.

Court : Did you go for this?

Accused : Yes I went that day because other people went. In the mosque I concealed myself in the bathroom. I cannot say whether bricks were thrown from inside the mosque or not.

Hanhay Khan :—I was not in the riot. I was arrested between the door of the mosque and the water-tap inside where I had concealed myself. I was going to Sirki Mahal from home to see my brother. When I came to the Chawk, I saw a crowd towards the mosque. I saw a number of men standing on a mound and I stood behind them. I saw guns being fired and one man fall. I then fled. First I tried to enter a shop but the shop-keepers pushed me out. Then I went inside the mosque. In a short time, the police came inside. In my presence no bricks were thrown at the police from inside the mosque.

Hafiz Rahim Bux :—I was not in the riot. I was caught on the top of the mosque. I was going home

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from Patkapore. I saw some people standing near the mosque. I also went there to see what was going on. I felt thirsty and I was drinking from a tap outside when the police rushed and began to fire. People began to run away. I found the door of the mosque open and went inside. No bricks were thrown from inside or top of the mosque. When I was drinking water I did not see bricks flying. I did not see the Kotwal come.

Ali Mahommed :—I was not in the riot. I was not arrested inside the mosque. I was going to my uncle (Khaloo). As I came to Besati Bazar, the police arrested me and brought me to the "Shivala" Lines and subsequently to the Kutchery Hawalat. I was not taken to the mosque. I was arrested about 50 paces from the mosque.

Md. Laiq :—I was going from my home to my shop. I saw a large crowd near the mosque. I stood there to see the fun. It was in Muchi Bazar. When I heard reports of gun I was inside the mosque. I was arrested there and my name was taken down. When I was there I saw guns being fired.

Ahmed Khan :—I did not take part in the riot. I came to buy "shooji" for my baby who was ill. I saw people near the mosque. Out of fear I had run inside the mosque where I was arrested.

After the examination of the accused there appeared a legal dilemma in the Cawnpore Riot Case although it was not easy to say who was more uncomfortably placed on the horns. After the witnesses had been ex-

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mined Mr. Boys made a statement explaining the attitude of the Crown with regard to the charges.

Mr. Haque in reply to Mr. Boys said :—I take no responsibility. It depends entirely on the Crown as to what course it should take. Surely no threat of commitment to the Sessions will deter us from taking the attitude which I have already explained. Beyond that I do not want to say anything.

Court :—If you desire that the accused should be sent to the Sessions, the Crown would not withdraw the charge under Section 333.

Mr. Haque : Well, sir, our desire is to go home. (Laughter) But if my friend asks your honour to commit us to the Sessions we have to go there.

Court : What Mr. Boys says is this that the Crown has no desire to prevent the defence from having a trial at the Sessions if they desire it.

Mr. Haque : How can that be our desire? We want to go home and be happy with our family and children.

Court :—You are not asking me to discharge all the accused now on the spot.

Mr. Haque : Certainly. I have already said that we want to go home (laughter). If I have not done so I do it now formally. What I say, Sir, is this that we cannot desire to go to the Sessions.

Court ;—You don't want me, Mr. Boys, to keep your note on record.

Mr. Boys : No (laughter). I prepared that note as I wanted to be absolutely beyond doubt.

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Court : How the charges are to be framed ?

Mr. Boys : The framing of the charge entirely rests with the Court. It is not for us to suggest anything. I have already explained to you what our attitude is. If you wish you may ask the other side to inform you what they have got to say. I ask you to deal with the case under Section 494. If I am entitled to withdraw the charge under Section 333 let them go scot-free on that charge but there can be no objection if they have any desire to go before the Sessions.

Court : But there is a ruling that the Crown cannot withdraw a charge.

Court (to Mr. Haque) : If you desire it the Crown has no objection to withdraw the charge under Sec. 333.

Mr. Haque : I throw the entire responsibility on the Crown.

Court : If the charge under Section 333 is withdrawn and I convict the accused under Section 147—

Mr. Haque (interrupting) : I hope there would be no conviction in this Court (Laughter.)

Court : I say in case of conviction your objection in the Sessions Court will be that I had no jurisdiction.

Mr. Haque : Yes, that may be one of our objections, but I hope it would not be necessary for us to go to the Sessions Court.

Court : Then there would be another trial and the case has got to go to another Court.

Mr. Haque : Very possibly, Sir.

Mr. Boys : I understood my friend to say that he did not want to go to the Sessions Court.

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Mr. Haque : I did not say that. All that I said was that we wanted to go home.

Court : Now if I consider that the evidence will not justify my commitment under section 333, do you think I shall try the accused only under section 147.

Mr. Haque : I keep quiet

Mr. Boys : I do not take the responsibility.

Mr. Haque : I throw the responsibility on the Crown.

Court : If I try the accused under section 147 a technical objection would be raised that I had no jurisdiction.

Mr. Haque : I do think so.

Court : If I frame charges under both the sections then I have to commit the accused to the Sessions.

Mr. Haque : I don't mind.

Mr. Boys : I have been trying my best to simplify the case by asking you to withdraw the charge under section 333.

Court : But then there is the possibility of the defence raising a technical objection if I convict the accused under section 147. They may try to upset the whole thing and there may be a retrial.

Mr. Haque : It would be premature to say that now.

Mr. Boys (rather warmly) : I have been trying in all possible ways to see that the accused are not unnecessarily harassed. We quite recognise that they did not go there to loot the bazar or anything. They were animated with a zeal under exceptional circumstances. The Crown is willing to take the case leniently.

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Mr. Haque : We are very, very thankful for the attitude of the Crown.

Mr. Boys : But if that be the attitude of the defence the Crown will be compelled to press the more serious charge.

Court (to Mr. Haque) : The charge under section 333 will not be pressed if you have not in your mind the intention of going to a superior court and getting the whole proceedings upset on the ground that I had no jurisdiction.

Mr. Haque : This is tying our hands and in the interest of the accused, I do not want to make any statement at this stage of the case.

Mr. Boys : I do not understand this attitude of the defence. In my experience I have never come across anything like it. These wretched 107 men have been in the lock-up for some time. What's the good of keeping them in jail for another four weeks? In this attitude of the counsel for the defence we are obliged to go before the Sessions Court.

The discussion, however, was continued on the Court re-assembling after the lunch recess.

Mr. Haque said : I want to make a clear statement. I have already submitted that our desire is that the accused may be discharged. But as regards the framing of the charges our position is this. Whatever the prosecution wish to do they can do that at their own responsibility. The prosecution should not commit ourselves to any definite course. Secondly, we should not do anything to tie down the hands of the defence.

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As Counsel for the defence all that I have to say is that at this stage of the case it is for the prosecution to take any course at their own responsibility and that they should not be justified in desiring to commit us to the course they want to take.

Court : I want to know if that is your attitude on behalf of all the accused.

Mr. Haque : I have made that statement in consultation with my friends.

Court : Then I take it that that is the attitude of all the accused.

Mr. Haque : That is so.

Mr. Boys : Are my friends representing all the accused ?

It was then ascertained that all the accused were represented.

Court : I want to know on whom the responsibility lies. I have to do ~~my~~ duty to the prosecution as well as the accused. I should like to have an assurance that that is the attitude of all the accused.

Mr. Haque : We did our best according to our own lights. In a purely legal defence we can not possibly take instruction from our clients on every legal point. If your honour thinks that we should do so, your honour may give us an adjournment and we shall go to see the accused in the jail and consult them. The accused cannot be expected to understand all these points. They have to rely on us for their defence on legal points and in this case we have made our submission according to the best of our light.

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Mr. Boys : I submit that your honour may grant an adjournment till Tuesday, allowing both parties to think of their position.

The Magistrate in adjourning the case till Tuesday passed an order embodying the statements of both Mr. Boys and Mr. Haque.

When the hearing of the riot case was resumed on the 26th August, the Magistrate enquired of Mr. Boys what he had to say with reference to the framing of the charges.

Mr. Boys :—In view of the attitude of the defence, I beg to make a statement. At the end of the last hearing the case was adjourned to give the Crown an opportunity of considering whether from the point of view of the Crown and in view of the attitude of the counsel for the defence there was any objection to or risk in the Court in the interest of the accused, refraining from framing the charge under section 333 I. P. C. In the absence of any Statutory provision and in the present state of the case and law on the subject the Crown is unable to go further than it has already done in stating that it does not press the more serious charge under section 333 and 149 I. P. C. and is quite willing that a charge under section 147 only should be framed, provided that the counsel for the defence are prepared to say that they have no objection to this course being followed. If on the other hand the counsel for the defence are not prepared to say that they have no objection to this course being followed the Crown has no alternative but to leave it to the Court to frame a charge under section

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333 and 149 I. P. C. and commit the case to the Court of Sessions if the Court be of opinion that such offence under sections 333 and 149 I. P. C. is *prima facie* made out by the prosecution evidence.

Continuing Mr. Boys said : "In regard to the question against which of the accused a charge or charges should be framed, the Crown has no wish to press the case against any of those still before the Court who may fairly be considered to be on account of their youth or for any other reason, not responsible for their actions in the same degree as the others. It was with this in view that on the first day of this inquiry, I selected eleven of the more youthful accused and invited the Court to discharge them—a course which was adopted. Further I invited Mr. Mazharul Haque to draw my attention to any more of the accused in regard to whom he considered similar course might with propriety be adopted but he refused to do so and stated 'I do not want any of them let go'. When others among the Counsel for the defence began to draw my attention to the particular accused in whom they were interested Mr. Mazharul Haque, peremptorily instructed them to make no suggestions."

Mr. Haque : I have absolutely no recollection.

Mr. Boys : I took down two or three names and Messrs. Davis, David and Dr. Nazir Hasan suggested some names.

Mr. Haque : I have absolutely no recollection.

Mr. Boys repeated what had taken place. Dr. Nazir Hasan nodded his head.

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Mr. Boys :—I am indebted to you for this candid acknowledgment. I want a plain answer.

Court :—I have no recollection of what happened.

The Magistrate enquired what would be his objection in regard to the framing of charges.

Mr. Haque :—It would be premature to say anything now. My position is one of silence.

Mr. Boys continuing his statement said :—

Subsequently the Civil Surgeon was asked to examine all the accused and reported that there were none under 15. If before framing the charges, the Court is of opinion that there are any further individual cases which might be considered or if counsel for the defence are even now willing to suggest any names for consideration, the Crown is prepared to agree to any suggestion the Court may make.

The defence counsel then suggested the names of nineteen accused, of these three were let off. One boy who on account of serious bodily injuries could not stand his trial was also released.

The Magistrate passed the following order :—Mr. Boys to-day stated that in the absence of any Statutory powers and in the present state of the case and law on the subject the Crown is not prepared to go further than saying that there is no wish to press the charges under Section 333 I. P. C. and that the Crown is willing that a charge under Section 147 read with Section 149 I. P. C. should be framed, provided the defence are prepared to say that they have no objection to this course being followed,

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In reply Mr. Haque as the leading counsel on behalf of the defence said :

"At this stage we keep quiet. We do not know under what law we are asked to give any assurance." I take this to mean that the defence will not say that they have any objection, to the course proposed by the Crown. At the same time they decline to say that they have no objection. I have therefore, no option but to proceed to frame charges inclusive one under Section 333 I. P. C.

The Court then framed charges against 101 accused to the following effect :—Firstly that you on the 3rd day of August 1913 at or in the near or immediate neighbourhood of the Machhli Bazar Mosque in the city of Cawnpore were members of an unlawful assembly, the common object of persons composing that assembly being by show of criminal force to enforce a right or supposed right to a portion of the land at the north eastern corner of the said mosque and further to overawe by show of criminal force public servants in the exercise of their lawful powers and in the prosecution of which aforesaid common object, violence was used by some members of the said unlawful assembly and that you thereby committed an offence of rioting punishable under Section 147 I.P.C. and within cognisance of the Court of Sessions; and secondly, that you on the same day and same place were members of an unlawful assembly of which the common objects were as aforesaid. A member or members of which assembly in prosecuting the common object thereof voluntarily caused grievous hurt to a public servant viz. Talab Singh, a mounted constable, acting

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in the discharge of his duty and thereby committed an offence punishable under Section 333 I. P. C. read with Section 149 I. P. C. and within the cognisance of the Court of Sessions and hereby direct that you be tried on the said charge by the Court of Sessions.

The case was adjourned till the 4th September when the defence would put in their list of witnesses. Before the charges were framed and read out to the accused the Court examined Mr. Macdonald, Municipal Engineer, who testified to the correctness of certain maps prepared under his supervision. One map was of the major portion of Cawnpore showing various mohallas in which the accused resided and the other of the immediate neighbourhood of the Machhli Bazar Mosque showing the various lanes by which the rioters could have fled.

The Court rose at 2 p. m.

An application for bail on behalf of 101 accused against whom Mr. H. M. Smith, Additional District Magistrate, Cawnpore, framed charges under sections 147 and 333 read with Section 149 of the Indian Penal Code was made on the 27th before Mr. Austin Kendall Sessions Judge. Dr. Mahanood, B. Vikramjit Singha and Tasaduk Hossain Shiruvani appeared on behalf of the accused. The grounds on which the application was based were: (1) The accused had committed no offence; (2) that the Public Prosecutor had expressed his opinion that the Crown would not press the charge under Section 333 I. P. C. which was non-bailable provided an assurance was given by the defence that no objection would be taken to that course on behalf of the accused



**Moulana Abdul Quadir Azad Subhani, the esteemed Moslem
Leader of Cawnpore.**

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in appeal as the Public Prosecutor did not think that applicants for bail were on the scene of occurrence with any intention of looting bazar or with any other similar criminal intent but that they were animated by a zeal under exceptional circumstances. (3) The applicants could not give any such assurance and it was for this reason that the committing Magistrate charged the petitioners under non-bailable Section 333 I. P. C. It was urged in support of the application that the Crown did not want to press the offence under Section 333 which was non-bailable, that giving of assurance which the counsel for the Crown wanted would have tied the hands of the defence. Among the accused some were very old men while some were mere boys of 15 or 16 years of age while other had sustained injuries from which they had not yet quite recovered. The case under Section 333 was very meagre as only one person was alleged to have received grievous hurt and he could not name any of the accused. The Committing Magistrate had sent the accused to the Sessions Court on technical grounds.

The Sessions Judge directed that notice of application for bail should be given to the Government pleader and the matter will come up for hearing again.

The following is the full text of the orders passed on the following day by Mr. Austin Kendall, Sessions Judge :—"On the bail application of 101 accused in mosque riot case which was argued this morning it is argued that the detention of applicants is simply penal as the Crown had itself not desired to prosecute under section 333. This is not so at all

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The Crown offered in, what it thought the interest of the accused a compromise which would have the result of a prompt decision of the case and the certainty of a sentence in case of conviction which could in no case exceed two years' rigorous imprisonment. That this could be done it was necessary to ask Court to take a step which might be considered irregular and the Crown would not do so unless the defence joined in agreeing to condone the irregularity, if such it was. The learned counsel for the accused did not say that they desired for their clients a trial before a higher Court or that they did not desire a trial before the Magistrate. There was no occasion of forcing them to disclose their defence or to act precipitately or in a way by which their clients might be prejudiced. They declined to agree and the Court had no alternative. It is their action and not that of the Crown which has resulted in these 101 persons being in jail to await a completely new trial instead of finding themselves with their trial half completed with an assurance of a Magistrate's and not a Judge's sentence. Section 147 is a bailable offence. The Crown has nowhere admitted nor has anything spoken for the prosecution to allow the inference that it admits that no offence is proved under Section 333. The fact that a senior Magistrate with experience as Sessions Judge has committed the case to the Sessions Court provides "Reasonable ground" within the meaning of section 497. It is argued that the section has no connection. Sec. 497 lays down the main grounds to be considered in granting

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or refusing bail and it is manifest that those must be the grounds which a court will consider in exercising a judicial discretion under section 498, Mr. Habib Ullah, Barrister-at-Law, for some of the accused has implored the mercy of the court apart from the merits of the case. It is said that there is no danger of the accused absconding or breaking out in any way but it is pointed out by the prosecution that five persons are at present absconding whose names are known to the learned counsel for the defence a list having been given to them. A Judge undertakes very grave responsibility if he allows on bail persons for whom the law prescribes that bail shall not be ordinarily granted. Sufficient reasons have not been shown to me. Then why should I undertake that responsibility in this case? The application is refused.

The cases of Nazar Mohammad Khan, a Kabuli, against whom a remand was obtained by the police and of 4 others including Moulvi Sulleman, a teacher, who had received rather serious injuries in the recent riot, was called on before Mr. H. M. Smith, Additional District Magistrate of Cawnpore. All these four men could not be placed on their trial along with the rest of the accused as they were unable to attend Court on account of injuries. One of them had to be brought to Court on a stretcher on which he lay during the proceedings before the Court. Mr. Boys said four out of six injured accused were able to attend. The Civil Surgeon's report showed that the other two may be able to attend in about a week. Mr. Boys suggested that the case against these six accused might be enquired into in the hospital. Defence counsel agreed to this and the Court

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adjourned the case against these six accused till Saturday next 30th August. The Civil Surgeon was to be asked whether he could make arrangements in the hospital for the case to be continued there.

In the case of Nazar Mahomed Khan Kabuli, Mr. Boys stated that the identification of the accused had taken place only a day previous and his instructions were to apply for a short remand but his difficulty was that the police had not till then sent up the *chalan* against him. As soon as *chalan* from the police came he would formally move for remand. Counsel for Nazar Mohamed Khan agreed to a remand till Saturday next and the case against Mahommad Khan was ultimately adjourned to Saturday and the Court directed that the accused be produced in hospital on Saturday. Counsel for the Crown intimated that Nazar Mohammad Khan would either be charged with rioting etc. and in that case he would have to be committed to the Sessions and his trial could take place there along with the rest of the accused or he will be charged with inciting a riot and in that case he need not be committed to the Sessions as he would not then be charged under Section 333 I. P. Code, an offence exclusively triable by the Court of Sessions. In the case under section 124 A and 153 A, I. P. C. against Moulvi Abdul Quadir Azad Subhani and Hafiz Ahmed Ullah counsel for the Crown intimated that he had no further information. He expected Government orders before Monday next when he would be in a position either to lead some evidence against those accused or withdraw the case against them.

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On the 30th August, the hearing of the case against the six injured accused was postponed owing to the inability of some of the prisoners to attend the Court and Nazar Mohamed Khan was discharged on that day. Later on in the afternoon Hafiz Ahmedullah, hide merchant, who was arrested on the 3rd of August last and against whom the local authorities had applied for necessary sanction from the local Government for prosecution under Section 124(A) (Sedition) and 153A (inciting class hatred), was released from custody by orders of Mr. H. M. Smith, Additional District Magistrate, Cawnpore.

It would appear that the Local Government had refused the sanction applied for in the case of Ahmedullah.

It was not yet known whether the case against the other accused, Moulana Abdul Quadir Azad Subhani would proceed.

When the case was called on the 1st September, the Court informed Mr. Mazharul Haque, leading counsel for defence that by its orders Hafiz Ahmed Ullah, one of the accused, had been released. The case of Abdul Quadir Azad Subhani, was then taken up. The Government sanction regarding the prosecution of the accused under Section 124A (sedition) was produced. Asghar Abbas, Deputy Superintendent of Police made a formal complaint under Section 124A, Indian Penal Code, against Abdul Quadir Azad Subhani who was already under arrest in Court.

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The first witness examined by the prosecution was Radha Kishan, Sub Inspector of Police. He deposed that on the 3rd August he went to the I'dgah to take down notes of lectures that may be delivered there. He went there under the orders of the Superintendent of Police. He reached I'dgah at about 6-15 a. m. Some seven or eight thousand men had gathered there when he reached the place and more were still coming. Speeches were delivered from a small platform in the middle which was 9 or 10 inches high. People were sitting all round the platform. He was sitting at a distance of, 5 or 6 paces from the platform and could hear the speakers very well at that distance. Five speeches were made at the meeting. The last speech was made by Abdul Quadir Azad Subhani (witness pointed out Abdul Quadir Azad Subhani who was present) in court.) Witness took down notes of his speech in Urdu shorthand which had been taught to witness in Reid Christian College. He could write at the rate of 32 words a minute. Witness had been taught the system by Mr. Ghose who was present in Court. Mr. Ghose was professor in the Reid College and invented the system. Witness produced notes of the speeches and pointed out the pages containing the notes of the speech made by Abdul Quadir Azad Subhani, (pages marked 1 to 15) Witness also made a Roman Urdu transcription of it. After making the transcription the witness re-read his notes and found that the original transcription required corrections in some places. Witness then pointed out some two dozen mistakes which required correction. Most of the corrections pointed out by witness were unimportant and

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did not materially affect the speech. Shorthand notes taken by witness were signed by Mr. Dodd in his bungalow after returning from riot.

Mr. M. L. Ghose, Prof. of Shorthand, Reid Christian Colleges, Lucknow : He taught Urdu shorthand to Sub-inspector Radha Kishen. Radha Kishen obtained a certificate when he was fit. He had seen notes of speech of Abdul Quadir Azad Subhani taken by Radha Kishen and he had also seen the long-hand transcription of it in Roman Urdu and compared the two very carefully. The Roman Urdu transcription with the corrections or deviations shown in the copy is a correct rendering of the Urdu short hand notes. He made certain corrections. Witness was shown the Roman Urdu version of the speech before the Court and witness stated that that was a copy of the transcription after he had made corrections in it.

Mr. Boys intimated that that was the evidence that he had to produce that day and next day he might produce two more witnesses. Mr. Boys further asked the Court to discharge Abdul Quadir Azad Subhani who was till then under arrest on charges under sections 147 and 333 I. P. C. and to order his rearrest in the charge under Section 124A. The Court then rose for the day.

On the 2nd September the case against Moulana Abdul Quadir Azad Subhani as well as the case against the six injured accused was adjourned.

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In the Riot case Mr. Haque put in a list of witnesses. The first name on the list was Sir James Meston, Lieutenant Governor of the United Provinces. The Magistrate, issued orders that His Honour's evidence was not material.

The case against the six injured accused in connection with the Cawnpore mosque riot was called at 11 a.m. before Mr. H. Smith, Additional District Magistrate, Cawnpore. Only four of the accused could attend the court and the case proceeded against these four accused only. Two remaining accused were likely to be discharged.

The two new and important witnesses were Rai Kavi Prashad, Vakil, a former Vice-Chairman of the Municipal Board and Mr. B. N. Tholal the Editor of the *Cawnpore Journal*.

The former deposed that he came out of his house which is close to the Gillis Bazar Chowki. On hearing the news that stones were being thrown at the Chowki he came out and saw stones were thrown from some distance at the Chowki. The men who threw stones were out of his view. Later he saw some men were pulling and dragging a Constable's "Pugree." He saw the Collector and police arrive at the scene and later he heard guns were being fired. He saw brickbats flying in the air in the direction of the Chowki. Afterwards he saw some injured people that were brought towards the Chowki. Mr. B. N. Tholal described his visit to P'dagh, his return from P'dagh and the occurrences near the mosque.

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The Magisterial hearing against four of the injured accused was concluded on the 5th.

Mr. R. J. S. Dodd, Superintendent of Police, Mr. H. G. S. Tyler, Collector and Lallà Krishna Sahai, Vakil, were examined and repeated the evidence they had given in the case of 101 accused. The court then recorded the statements of the four injured accused who all denied participating in the riot and gave various reasons for their presence in the neighbourhood of the scene of disturbances. The Court framed charges under Sections 147 and 333 Indian Penal Code, against the four accused and directed them to take their trial at the Sessions.

Two of the injured accused who could not attend the court were discharged as the Crown withdrew the charge against them.

The case against Moulana Abdul Quadir Azad Subhani, charged under Section 124A, Indian Penal Code, with sedition, was also taken up. Dr. Sheikh Mohammad Isbal and Mirza Jalaluddin, Barrister-at-Law from Lahore appeared among others for the accused. The Counsel for the Crown stated that he had no more witness to produce in the case. The accused questioned by the court stated that he had made a speech at I'dgah on the 3rd August in connection with the Machhli Bazar Mosque. Accused was shown an Urdu translation of his speech but without reading he stated that he would make his statement in the Sessions Court. He was quite innocent. He did not want to make any

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statement before the Magistrate. The Court then framed the charge, under section 124 A against the accused and directed him to take his trial before the Sessions Court. On the question of framing the charge the Counsel at that stage was not going to specify passages in the speech which were seditious.

On the 6th the Magistrate intimated the defence counsel that he had passed the commitment order. In the commitment order, the Magistrate after giving the charges the names of witnesses and a resume of the evidence before the Court Mr. Smith says :—

A 'prima facie' case has been made out against the accused that they were members of an unlawful assembly. The evidence also proves that grievous hurt was caused to Talab Singh, one of the mounted police on duty during the riot. This hurt was caused by a member or members of an unlawful assembly and was in furtherance of the common object and Section 149 of the I. P. C. makes all the members of the assembly liable for the offence.

It would be unprofitable for me in this order to go in detail into the statements made by the 101 men who are still before the Court. On the whole no serious attempt has been made to explain the circumstances of their arrest by the accused. It may be said that the case for the defence as a whole is that the lists compiled by the police of the 70 and 30 are forgeries and that they could not have been written on the spot as alleged. Out of the first 70 a large majority plead that they were not arrested in the mosque at all. Those who admit that they

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were inside the mosque give various unconvincing explanations of their presence there. Taking the statements as a whole if half of them are to be believed, there was no riot, not a brick was thrown and the very first act of violence was the firing by the police on a peaceful multitude of praying Mahomedans. The defence has been reserved for the sessions Court.

As regards the common object of the members of the unlawful assembly the evidence shows that one of the first things done by the mob was to begin rebuilding in a rough and ready fashion the walls of that portion of the mosque which has been demolished. Resistance by the authorities was clearly anticipated when Tassadduq Hussain (police inspector) in plain clothes advanced single-handed towards the mosque. Bricks were thrown at him and he was not allowed to come within 25 or 30 yards. This fact disposes of any allegation that the police were the aggressors. The common object set out on the charge is by show of criminal force to enforce a right or supposed right to a portion of land at the south-eastern corner of the said mosque, and further to overcome by show of criminal force public servants in the exercise of their lawful powers.

I have here to mention a matter over which a good deal of time has been taken up in this Court and which has found a place on the record. Mr. Boys who appeared before the crown at an early stage of the proceedings announced that the Crown had no wish to press the more

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serious charge under Section 333. I P C, which is an offence triable exclusively by the Court of Sessions. But he made it clear that this charge would be pressed if the defence should take the line that the rioters were justified in rioting. As the defence reserved its cross-examination there was no clue to the attitude that might be taken up when all the accused had been examined, as none of them had pleaded justification. Mr. Boys made the same announcement, but added that the Crown did not wish to prevent the case from going to the Sessions Court if the defence so desired. The leading counsel for the defence declined to say anything on the matter pleading that the defence should not be called upon at that stage to say or do anything which might tie their hands. I had therefore, to point out a risk which the Crown was running in dropping the more serious charge and asking me to dispose of the case as a warrant case under section 147 I. P. C. This was that in the event of a conviction it would be open to the defence to raise, on appeal for revision, the technical plea that the existence of a charge under Section 333, I. P. C. by the police, ousted the jurisdiction of this court to try the case. After due consideration Mr. Boys announced that in the absence of any statutory provision and in the present state of case, law on the point, the Crown was not prepared to take the risk pointed out and he asked the Court to frame charges committing the case to the Sessions Court. There appeared to be no exactly parallel case which has come before any of the High Courts of India. I have seen

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reports of three or four cases however in which some what similar points arose. The rulings seem to hold that the course which I was asked to adopt would not be irregular. It would however be improper for a Court to shut its eyes to evidence which seemed to support a charge which was exclusively triable by a Court of Sessions. In the face of these pronouncements the Court could hardly be expected with its eyes open to adopt a course which has been held to be improper though it may be noted that in every case the High Courts have held that interference can only be called for where there has been a failure of justice. In the interests of justice a re trial might be ordered where an accused has been prejudiced by the course adopted by the Magistrate or where inadequate sentences had been passed. I may also add that the High Court did not interfere in a single case. I am certainly of opinion that in the present case the course proposed by the Crown would have been in the interests of the accused but for the reasons I have given above I do not consider that I should have been right in adopting it.

Then followed a list of the 101 accused committed for trial.

At the Allahabad High Court on the 13th September before Mr. Justice Ryves, Mr. Dillon with others presented applications for bail on behalf of the accused in the Cawnpore mosque riot cases.

Mr. Dillon drew the attention of the Court to the provisions of Section 498, Criminal Procedure Code, which

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gave special power to the High Court to admit persons to bail in any case and in support cited two cases where the accused charged with murder were admitted bail. Counsel submitted that all the evidence for the prosecution was of the very general kind and the charge under Section 333, I. P. C. was of a technical nature. The Counsel for the prosecution in the lower Court offered to give up that charge and to go on with the case under Section 147 I. P. C. in which case the accused's claim for bail was a matter of right. Counsel for the defence would not give the assurance wanted by Mr. Boys.

Mr. Justice Ryves : Of course not.

Mr. Dillon continuing said that he could not understand why the prosecution were opposing the application. Witnesses were mainly officials and persons who could not possibly be tampered with, nor were the accused likely to abscond.

Mr. Justice Ryves: You must satisfy me that there is a strong probability of acquittal.

Mr. Dillon: Evidence is all one way and we cannot go in to that now. Would your Lordship without prejudging the case give us bail?

It was a very exceptional kind of case where the accused showed perhaps mistaken religious zeal and his Lordship ought to regard the attitude of the prosecution in the Court below.

His Lordship remarked that no Court could be any way bound by what prosecutor said.

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Mr. Boys said that he was expecting definite and further instructions as regards these applications.

After some further discussion it was decided to take back the applications and present them again when Mr. Boys would be fully prepared.

On the 15th Mr. Dillon stated that he did not propose to renew the applications but might do so later on.

In the court of Mr. Austin Kendal, Sessions Judge, Cawnpore, an application was made on the 15th on behalf of the accused committed to the Sessions in Cawnpore mosque riot case for summoning Sir James Meston as a witness for the defence. Syed Fazlur Rahman, Vakil Cawnpore, in support of the application urged that they wanted to establish three things from the evidence of His Honour (1) that the acquisition of the portion of the mosque in question was illegal, (2) that enquiries made by His Honour on the 4th August in Cawnpore and statements made to him then did not tally with the statements made by the witnesses in the court, (3) that the scene of occurrence had been altered and marks of blood and bullets etc., were no longer there. The court in rejecting the application said: If in the course of the trial it transpires that his evidence is indispensable or would prove of particular value and that the court would be unable to come to the proper conclusion without his being heard the court can be trusted to exercise its own discretion under section 540 to asking his assistance in clearing up the doubtful points.

Towards the end of September, Mr. D. R. Lyle, on assuming charge of office of the Additiona

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Sessions Judge of Cawnpore was to try the Riot case and the sedition case against Moulana Abdul Quadir Azad Subhani.

A memorial had been, in the meantime submitted to His Excellency the Viceroy and the news reached Cawnpore on August 27th that the Government of India had rejected the memorial which was sent on behalf of all those arrested in connection with the recent mosque disturbances for a transfer of their case to some other Province or Presidency and to a court not subordinate to the United Provinces of Agra and Oudh.

DEPUTATION TO ENGLAND.

Syed Wazir Hasan, Honorary Secretary, All-India Moslem League, and Mr. Mohamed Ali, Editor, "*Comrade*," left Bombay by mail steamer "*Arabia*" for England on the 6th September.

Interviewed by an Associated Press representative, Messrs. Hasan and Mohamed Ali made the following statements regarding their sudden departure :—Events of great moment and of a far-reaching character vitally affecting the Mussalmans have been taking place in rapid succession during the last two or three years both in India and abroad and it appears to ourselves also that a right understanding of the Moslem point of view is absolutely necessary in the interests of the Government no less than in the interests of the Mussalmans themselves. Our friends have, therefore, advised us and we agree with them that at the present juncture, it is necessary for us to go to England for the purpose of

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explaining Indian Moslems, point of view and the salient features of true Moslem situation in India and abroad to His Majesty's Ministers, Members of Parliament and other influential men in Great Britain as well as British public at large through the important organs of the press and by other suitable means and to convince them of the essential loyalty of the Moslem community to His Majesty's person and throne and of the justice of the Moslem claims. Two of our eminent co-religionists Messrs. Jinnah and Khwajah Kamaluddin are already in England and we look forward with hope to their hearty co-operation. Of course His Highness the Aga Khan is also in Europe and we are confident of obtaining every encouragement and assistance from him. But the object of

journey is by no means sectarian or exclusively communal. We firmly believe that the progress and well-being of Mussulmans are bound up with the progress and well-being of the country in which they live. The present carries in its womb hopes and fears common to every community in India and we shall be failing in our duty not only as Indians but as Mussulmans also if we do not strive during our sojourn in England to convert our fears into hopes and to materialize the hopes which we share with all our fellow countrymen. The Hon'ble Mr Bokhale is also in England at the present moment and we hope to secure his sympathy and co-operation. We are as fully conscious of the necessity and beneficence of the mission on which we are to-day setting out as also of the great responsibility of our position. But we are also full of hope and of confidence in the goodness of our cause.

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and in the desire as well as ability of the great British Nation to do us justice. Time has been a dominating consideration with us and our departure has perforce been almost precipitate. In fact we had even less than a week in which we had to make arrangements for our journey and to reach Bombay and under the circumstances it has not been possible for us to apprise our people of our intention but nevertheless we are confident that our action will commend itself to them and that their trust will go with us. We earnestly beg them to remember us in their daily prayers. God willing we shall return to them full of success as we leave them full of hope and confidence."

The case against the injured accused was eventually postponed till the 18th October.

COLLECTION OF SUBSCRIPTIONS.

By this time an attempt had already been made to raise funds for the defence of the accused in the riot case and for the maintenance of the families of those who were killed. Many Mahomedan leaders earnestly set to work in this connection and subscriptions poured in from all quarters. The Editor of the '*Zaminder*' and Moulana Abul Kalam Azad, Editor of the '*Al-Hilal*' deserve specially to be mentioned in connection with the raising of funds. The latter made an extensive tour for this purpose.

A meeting of the Mahomedans convened by the Nawab of Rampur was held at Rambagh, Delhi. The Nawab of Rampur, supported by the local Mahomedan leaders, presided. The meeting was well attended. A large proportion consisting of uninvited gentlemen made it evident at the outset of the proceeding that the conveners



Moulana Abul Kalam Azad
Editor, the Al-Hilal.

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the meeting were not going to have matters all their own way. Vigorous opposition by those who attended uninvited was raised against the first resolution proposed which was to the effect that the Mahomedans in India must arrive at a definite final decision as to the attitude to be adopted towards the Government by the community. The consensus of opinion appeared to be that in the absence of the Raja of Mahomudabad and other prominent Mahomedans in India, who had not been invited to attend the meeting, it was not a representative one and any resolutions which might be passed could not be considered as representing the opinion of or binding on the community. It was finally agreed that the meeting be dissolved and a fresh representative one be convened at some future date which the Nawab of Rampur undertook to intimate to all concerned.

The Hon'ble Mr. Ali Imam in company with the Hon'ble Mr. D. C. Baillie, Officiating Lieutenant-Governor, United Provinces, reached Cawnpore, from Simla on the 13th. October. Among other prominent Mahomedans the Raja of Mahmoodabad, the Hon'ble Mr. Razab Ali, Mr. Mazharul Haque and Moulana Abdul Bari had also come to Cawnpore in connection with the mosque affair. There was a conference at the Circuit House at which the Hon'ble Mr. Baillie, Mr. Ali Imam, Mr. Tyler, Collector, the Raja of Mahmoodabad and Mr. Mazharul Haque were present. It was understood that satisfactory settlement was reached and an announcement would be made next day when His Excellency the Viceroy would reach Cawnpore.

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His Excellency the Viceroy reached Cawnpore by special train on October 14th, at 9-35 a. m. The Railway Station had been specially decorated by the local Mahomedans. Though the arrival was private His Excellency was received at the station by the Hon'ble Mr. D. C. Baillie, the Hon'ble Mr. Ali Imam and other prominent officials. From the Railway Station His Excellency and party drove direct to the Machhli Bazar Mosque, where the Hon'ble Raja of Mahmudabad, Mr. Mazharul Haque and other prominent Mahomedans, received His Excellency and party. His Excellency went inside the mosque, a special carpet having been placed for him to walk on and spent 90 minutes in inspecting the mosque. He conversed freely with Maulana Abdul Bari, a religious leader of the Mussalmans and through him asked the Mahomedans to forget that had happened. The party then returned to the Circuit House.

H. E. the Viceroy ordered the withdrawal of cases against all accused in connection with the Machhli Bazar Mosque and further granted permission to Moslems to rebuild the demolished portion of the mosque.

A very large crowd gathered before the Sessions Court that day in expectation of the release of the accused in the Cawnpore mosque cases. Mr. D. R. The Sessions Judge, who had been specially deputed by the Local Government to try the case, was present though the day was not the date fixed for the trial of the case. At 12 noon Mr. Guy Boys, Counsel for the Crown and Mr. Mazharul Haque, Syed Fazlur Rahman and



His Excellency the Viceroy visiting the Mosque

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other Counsel for the defence put in their appearance in Court.

Mr. Boys stated that under instructions from the Local Government he applied for the withdrawal of the cases against all the accused in the three different cases which had been committed to the Sessions.

Mr. Haque in response of Court stated that he gladly accepted the situation.

The prisoners were then released and were taken to their respective homes in gharies which had been specially provided for them. The police had considerable difficulty in controlling large crowd which were present.

ADDRESS TO THE VICEROY.

A deputation of the local Mahomedans consisting of Nawab Syed Ali Khan, Nawab Syed Jafar Ali Khan, Hafiz Mahomed Hafim, Hony. Magistrate, and Mahomed Hashim, Sheikh Sana Nadir, Hafiz Ahmed Ullah and Karim Ahmed, Trustees of the Machhli Bazar Mosque, and Syed Fazlur Rahman, Vakil and secretary, District Moslem League, waited upon His Excellency the Viceroy at the Circuit House with an address. Besides the members of the deputation a large number of prominent Mahomedans, including the Raja of Mahmudabad, Mr. Mazharul Haque, Hon'ble Syed Reza Ali Hon'ble, Shahid Hosain, Mr. Mohamed Nasim, Advocate, Mr. Nabi Ullah, Advocate, Ross Masood Mehtisham Ali and nearly all the advocates engaged in the case were present at the Circuit House.

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Syed Fazlur Rahman, Secretary, District Moslem League, read the following address which was presented in a handsome casket to His Excellency by Nawab Syed Ali Khan. The reply of His Excellency was translated in Urdu by Khan Bahadur Moula Bux, translator.

The address ran as follows :—

His Excellency the Right Hon'ble Charles Baron Hardinge of Penhurst, C. G., C. B., G. M. S. I., G. C. M. G., G. M. I. E. G. I. D, O. I. S. O., Viceroy and Governor-General of India.

May it please Your Excellency,

We the Mussalman residents of the city of Cawnpore beg to approach Your Excellency on the occasion of your Excellency's visit to this town. We remember with gratification and pride your Excellency's last visit to our historic city when Your Excellency was pleased to lay the foundation stone of the memorial to our dearly beloved late King Edward the Seventh, the Peace-maker.

We greatly regret that recently the peace of ourt own has been disturbed by the events of the 3rd of August in connection with the Machhli Bazar Mosque and we strongly condemn the action of those who took part in the unlawful act of throwing brick-bats or otherwise behaved in a lawless manner and we assure Your Excellency that we, the Mussalmans of Cawnpore, are the most law-abiding and loyal subjects of His Imperial Majesty the King Emperor. We are fully aware of, and grateful to Your Excellency for your well-known sympathy with the distress and misery of humanity in any form or shape and we beg to offer our most grateful thanks

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for Your Lordship's munificent donation in aid of the widows and orphans in the loss that they have sustained in the recent disturbance. We beg to assure you, Excellency that we have the fullest confidence in your justice and sympathy and in this spirit we are content to leave the decision of the questions arising out of the present situation in your Excellency's hands. Your Excellency has at heart the best interests of our community.

We beg to remain your Excellency's most obedient servants.

THE VICEROY'S REPLY.

The Viceroy replied as follows, His Excellency's pronouncement being recieved with general satisfactions :—

Gentlemen, The address that you have just read is a source of profound satisfaction to me since it contains not only an expression of confidence in my justice and sympathy but of what I prize much more, viz :—that loyalty to our King-Emperor, which I am happy to think has always been one of the chief characteristics of the Mahomedan community in this country. Had I not been firmly convinced of the loyal sentiments of your community, I would not have come from Simla to Cawnpore to-day. It is unnecessary for me to repeat here the assurance that I gave quite recently in the Imperial Legislative Council that there has been no change in the policy of Government towards the religious beliefs of the subjects of the King-Emperor in India, for you all know that this is true with

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the march of progress and civilisation it is always possible that the construction of roads, railways or canals may clash with the existing buildings, religious or otherwise. But you may rest assured that Government will always treat with the utmost consideration the claims of any who may consider their interests affected and will always endeavour to find a solution of the question at issue in a sense satisfactory to all concerned. Knowing as I do the generous and kindly character of your Lieutenant Governor I feel confident that if you had been equally anxious as I have been to find a solution of the question of the mosque you would have succeeded in doing so and in meeting Sir James Meston's wishes. Had this happened the sad and deplorable incidents of the 3rd August would not have occurred and widows and orphans would not have had cause to mourn for their husbands and fathers. This is now passed history which I hope may soon be forgotten.

I have come from Simla with the express purpose of ringing to you peace. You tell me in your address that you are content to leave the decision of the questions arising out of the present situation in my hands believing that I have at heart the best interests of your community. It is true that I have at heart the best interests of your community. I have given much thought to this matter and to a possible solution. After long and careful consideration I have arrived at the decision that an arcade of at least eight feet in height should be built upon which the *Dalan* could be placed in the same relative position as before but on a higher level, thereby securing space for

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the pavement below without interfering with the relative position of the buildings pertaining to the mosque. I regard it as immaterial to whom the land upon which it is built is to be considered to belong. But it is essential that the general public as well as those who go to worship at the mosque should be entitled to use it as footpath. Further the Mutwallis should build the arcade and construct the pavement below, these constructions being in accordance with the plans approved by the Municipal Board.

As regards those who have been charged with having committed riot on the 3rd of August I wish to say a few words. *I am your father and you are my children*; when children do wrong it is the duty of their father while inspired by the most kindly feeling to admonish them so that they may learn wisdom and not err again. My words are not addressed to you personally but to those who are charged with having committed riot and have now suffered imprisonment for the last ten weeks. Those who are guilty of violence have put themselves in the wrong for they are accused of having resisted constituted authority and have thus not only broken the law but also the very well known and universally acknowledged principles of the great Islamic faith which they profess and follow. The maintenance of constituted authority is the duty of Government and I say as the head of the Government of India, that under all circumstances it will be maintained. Under ordinary circumstances it would have been the duty of the Government to prosecute and obtain the punishment of

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the prisoners, but they have already suffered severely and as I have said before I have come to Cawnpore to give peace I also wish to show mercy. Those who instigated the riot and who are thus responsible for the harm that has occurred are the least deserving of consideration. But as a solution of the difficulty connected with the mosque has been found I am anxious that the incidents which aroused so much feeling and excitement should be now buried in oblivion. I trust however, that if clemency is extended to the instigators the melancholy consequences of their intemperate oratory may be a warning to them and others against similar reckless speaking in the future. I wish the sufferings of all those who are charged with having taken part in the riot to now cease and I have, therefore, with the full concurrence of Sir James Meston and of Mr. Baillie invited the local Government to take immediate steps for the provisions of Section 494 of the 'Criminal Procedure Code to be applied to all those connected with the riot, who have been committed to the Sessions Court for trial.

I devoutly trust the solution of the question of the mosque and the decision that I have taken in connection with those now under commitment for trial may bring peace and contentment not only in Cawnpore but amongst the whole of the Mahomedan community in India, that no action may be taken locally or otherwise tending in any way to perpetuate the melancholy memories of the last few months and that all Mahomedans may unite together in loyalty to their Sovereign and in

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loyal co-operation with constituted authority for the maintenance of law and order and for the peace, happiness and prosperity of the great and beautiful land in which we live.

FEELING IN THE COUNTRY.

All Mahomedan public Institutions in the country, from the Moslem league to the Anjamans expressed satisfaction at the decision of the Viceroy and the Indian Press unanimously praised His Excellency for this act of wise statesmanship. But while some of the Anglo-Indian papers viewed with satisfaction the happy termination of the Cawnpore affair the extreme section of the Anglo-Indian Press took a different view of the matter, as will be seen from the opinions quoted below :

PIONEER

The Mahomedan community throughout these Provinces were determined to utilise the incident for a trial of their strength in their recent attitude of combination against the Government. They have joined issue ; they have maintained a united front and they have prevailed. The figure which emerges triumphantly from the episode forensically as well as politically, is that of Mr. Mazharul Haque. The compromise by which the *dalan* is to be re-erected on an arcade to overhang the footway is certainly ingenious almost to the point of seeming frivolous though this is perhaps only in keeping with the unsubstantial meticulous character of the whole question and dispute.

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THE C. M. GAZETTE.

The dropping of the cases at this stage is liable to be read as a sign of weakness such as has caused the Government policy of late years to be described as a policy of cane and jam and jam distributed to those who deserve to be caned. If clemency had to come it could have come when law had been fully vindicated. Then again we cannot think that the intervention of the Viceroy in a matter of this kind is altogether prudent. It may establish an unfortunate precedent. Provincial Governors ought to be left to manage affairs of their own provinces with as little interference as possible from the Governor-General in Council or otherwise.

THE STATESMAN.

The attitude adopted by Sir James Meston has been openly abandoned by the Viceroy, and he would be a bold man who would venture to predict the result of the action of Lord Hardinge on the future of British administration in India. There is every desire on the part of the European official and non-official community in this country to respect the religious beliefs and traditions of the Mahomedans. The disappointment of the Moslem population of Eastern Bengal when the pledges given them by British officials the partition would never be annulled evoked profound sympathy among the Europeans in India who were acquainted with the facts. In that case Lord Hardinge threw over his officials to the detriment of the Mahomedans; in the present case he has reversed the policy of one of the most brilliant members of

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the Civil Service in order to allay Moslem agitation. The moral which is likely to be deduced from these two notable events is obvious, and the ultimate consequences of the lesson thus afforded may prove of the utmost gravity. If Lord Hardinge considered that the attitude of the Government of the United Provinces towards the Cawnpore demands was unjustifiable, he might have intervened diplomatically and effected a settlement before the situation had become acute. But his action at the present juncture creates one of the most extraordinary situations which have marked the history of British rule in India.

THE ENGLISHMAN.

It would perhaps, not be fair to hold the Viceroy personally responsible for what might prove to be a greater blow to British prestige in India than was the disaster at Maiwand. The matter of the Cawnpore Mosque was probably discussed by the Executive Council and there is good reason to believe that Lord Crew is as accustomed to dictate to the Government of India as was Lord Morley. The Viceroy, therefore, might either have been fortified by the advice of his Council or acting under instruction from the Secretary of State. At the same time he has made the mistake of personally associating himself with the release of the alleged rioters and with the other concessions that have been made to the demands of agitators. There was no necessity for His Excellency to visit Cawnpore in the dramatic way he has done, and much less to receive a deputation in which prominent part was taken by the Counsels for the defence. If, therefore, in the future, it is said that Lord

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Hardinge was responsible for giving a tremendous impetus to Mahomedan agitation in India he will only have himself to blame. However, in the meanwhile, it is possible for the European in India to continue to show his respect for the Deputy of the King-Emperor by throwing the blame for a gigantic blunder on that vague abstraction known as "the Government" or "the authorities." That there has been a gigantic blunder no persons, except those interested in the perpetration of more blunders of the same kind can refuse to admit.

CAPITAL.

Lord Hardinge repudiated without reservation the action of Sir James Meston, Lieutenant-Governor, United Provinces, in the notorious Mosque Case. He gave permission to rebuild the demolished dalan and ordered the release of the men under trial for participation in the recent riots. Whether this concession to public agitation will have the desired effect of permanently pacifying the Mahomedans it is not easy to say. For many reasons we have our doubts. View it as we may we find it impossible to acquit the Viceroy of that kind of empiricism which is the application of superficial truths, recognised in a loose, unsystematic way, to immediate and special needs. It is an act of diplomacy rather than Statesmanship, and the consequences may not be exactly what Lord Hardinge expects.

Amid the chorus of applause of Indian opinion, both Hindu and Mahomedan, a discordant note was raised at a Calcutta meeting and the cry was taken up here and

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there, especially by the "Mussalman" which wrote as follows :—

The Moslem community is thankful to His Excellency the Viceroy for the conciliatory attitude he has taken in regard to the restoration of the demolished portion of the Machli Bazar Mosque at Cawnpore and for the withdrawal of the cases against those who stood charged with rioting or sedition in connection with the mosque. In our issue of the 3rd instant we showed that repression or persecution would never simplify matters but eventually the bureaucracy would have to yield. We are glad that Government has yielded but we must say that it has not gone far. As regards the restoration of the demolished building the Viceroy says "that an arcade of at least 8 feet in height should be built upon which the *Dalan* could be placed in the same relative position as before, but on a higher level, thereby securing space for the pavement below without interfering with the relative position of the buildings pertaining to the mosque. I regard it as immaterial to whom the land upon which it is built is to be considered to belong. But it is essential that the general public, as well as those who go to worship at the mosque, should be entitled to use it as a footpath." So the ground on which the demolished part of the mosque stood and which is considered sacred will be converted into a "footpath," and the building that will be raised will be projected from the main building and supported by columns at a height of 8. ft. from the ground. The contention of the

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community was that the demolished building and the ground on which it stood were sacred but when the sanctity of the ground is proposed to be violated by using it for the profane purpose of a footpath, the community is to seriously consider whether the settlement is acceptable. It is to be remembered that a great principle is involved in the case. If the ground is sacred, no footpath can be allowed on it, the community has then no right even to have the building restored in the manner proposed by His Excellency the Viceroy. Moreover, it is to be borne in mind that the local Mussalmans could have themselves restored the building, with the sanction of the Municipality, in the manner in which the Viceroy asks them to do it. The Ulamas have held that the demolished building is an integral part of the mosque and as such is sacred and if it is allowed to be tampered with in the manner in which it is being done, it will create a precedent which may not be quite welcome to the community in future. A whole mosque may be demolished for the purpose of a street or road and one in the same relative position may be built on an arcade of 10, 12 or 15 ft, in height, leaving the ground for the road. The community is to take into serious consideration the issues involved in the proposed settlement and to think whether His Excellency the Viceroy's decision should be taken as final.

As for the withdrawal of the cases against those charged with sedition or rioting His Excellency has remarked that the accused were guilty and that their release

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was an act of clemency. We have already said that we are thankful to His Excellency for his attitude but we hope we shall be pardoned if we cannot accept his order as an act of mercy. We hold that what His Excellency did was an act of bare justice. The impression in the public mind is that the accused were arrested indiscriminately and moreover there is no knowing whether they would have been honourably acquitted in the Sessions Court. The assumption that they were guilty and that the order for their release is an act of clemency is in our humble opinion hardly justifiable. If the accused were really guilty as His Excellency the Viceroy suppose them to be, the prosecution should not have been withdrawn; they should have been tried and punished, if found guilty for the violation of the law of the land. Clemency, in circumstances like this, is misplaced and it is not Statesmanlike to show mercy in cases like this.

We have one word to say to the members of the deputation that waited upon the Viceroy at Cawnpore on Tuesday last. They have very strongly condemned "the action of those who took part in the unlawful act of throwing bricks behaved in a lawless manner" We too condemn the action of those who take the law into their own hands. But while the members of the deputation were very enthusiastic over the condemnation of the action of those who threw brickbats, they were altogether silent over the unnecessary bloodshed and the loss of so many lives, at the hands of the Police, which Cawnpore witnessed on the 3rd August last. May we ask them at whose dictation the address was written?

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But amid this conflicting opinion it is to be hoped that the great lesson of the Cawnpore Mosque incidents will not be lost upon either the rulers or the ruled.

The End.

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